

**Agenda**

# Environmental Protection Commission

RECORD COPY

File Name

ADM-1-1-1 Sept. 1994

Senters initials

Jes

September 19, 1994

10:00 AM

Wallace State Office Building, Fourth Floor Conference Room  
The Commission will meet informally with the DOT Commission  
at Gateway Conference Center in Ames, Iowa at 8:00 p.m.

## Public Participation

Appointment: Don Grell (Item 18-A)

Appointment: Jack Clark

Agenda topics Couch

10:30 A.M.

1:00 p.m.

1:30 p.m.

1:45 p.m.

1. Approve Agenda
2. Approve Minutes of August 15, 1994
3. Director's Report
4. Section 319 Nonpoint Source Pollution Control Project Contracts
5. UHL Contract Approval
6. Des Moines Metro Waste Authority Regional Collection Center Grant Contract
7. Review and Approval of FY 96/97 Budget Request
8. Landfill Alternative Grant Recipients
9. Monthly Reports
10. Proposed Rule--Chapter 42, Laboratory Certification
11. Notice of Intended Action--Chapters 40 & 43, Water Supply Fees
12. Notice of Intended Action--Chapters 20 & 31, Air Quality General Conformity in Nonattainment Areas
13. Final Rule--Chapter 22 Amendments, Voluntary Air Operating Permits
14. Final Rule--Chapters 20, 21, 22, and 23, Air Quality Rule Updates
15. Proposed Contested Case Decision--Schmitz and Frieders

Larry Wilson (Information)

Stan Kuhn (Decision)

Stan Kuhn (Decision)

Stan Kuhn (Decision)

Stan Kuhn (Decision)

Teresa Hay (Information)

Allan Stokes (Information)

Allan Stokes (Information)

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Allan Stokes (Decision)

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|-----|--|----------------------------------|
| 16. | Proposed Contested Case Decision--Trust Trucking Corporation | Allan Stokes ( <b>Decision</b> ) |
| 17. | Contested Case Decision Appeal--Clement Auto and Truck, Inc. | Allan Stokes ( <b>Decision</b> ) |
| 18. | Referrals to the Attorney General                            | Allan Stokes ( <b>Decision</b> ) |
|     | a) Don Grell (Ft. Dodge) (TABLED)                            |                                  |
|     | b) Ray Brokaw, dba The Heights (Monticello)                  |                                  |
| 19. | General Discussion   |                                  |
| 20. | Address Items for Next Meeting                               |                                  |

**Next  
Meeting  
Dates**

October 17, 1994

November 21, 1994

# ENVIRONMENTAL PROTECTION COMMISSION

Monday, September 19, 1994

NAME

COMPANY OR AGENCY

CITY

(PLEASE PRINT)

Pro Boshart	CR Gzytte	
Larry Jensen	GROWMARK	
Amy Couch	Sullivan & Ward	DM
Jane McAllister	Ahlens Law Firm	DM
DAN VEST	GROWMARK	Bloomington, IL
Meg Schneider	The Messenger	Fl. Dodge
Perry Beeman	DM Register	DM
Mary Braun	House Democrats	DM
Theresa Kehoe	Sen. Democrats	DM
Linda Kading	IA Assoc. of Muni. Utilities	DM
Rick Kelly	U H L	DM
Linda Goeldner	Iowa Hospital Assoc	DM
STEVE GUIER	IES Industries	cedar Rapids
Jack Saener	ABI	DM
Sam Lind	Drake U.	DM
Heather Hoffman	Drake	DSM
Don E. Gelf	Dodge Enterprise	Fort Dodge
Phyllis Kungstberg	(Drake Univ - Env. Tech. class)	DSM
Wartrieberg	Agribusiness Assoc.	DM
Jack Clark	Iowa Utility	ASSOC

RECORD COPY  
File Name. ADM-1-1-1 *EPC Meeting*  
Senders Initials. JY *Sept. 1994*

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**MINUTES**  
**OF THE**  
**ENVIRONMENTAL PROTECTION COMMISSION**  
**MEETING**

**SEPTEMBER 19, 1994**

**WALLACE STATE OFFICE BUILDING**  
**DES MOINES, IOWA**



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## MEETING MINUTES

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### CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson Siebenmann at 10:00 a.m. on Monday, September 19, 1994, in the Wallace State Office Building, Des Moines, Iowa.

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### MEMBERS PRESENT

Verlon Britt  
William Ehm  
Rozanne King, Secretary  
Charlotte Mohr  
Kathryn Murphy  
Nancylee Siebenmann, Chair  
Terrance Townsend

### COMMISSIONER APPOINTMENT

Chairperson Siebenmann introduced and welcomed new commissioner, Terrance Townsend, to the Environmental Protection Commission.

### MEMBERS ABSENT

Gary Priebe  
Clark Yeager, Vice-Chair

Commissioners Priebe and Yeager phoned and said they will not be able to attend the Commission meeting as they will be harvesting crops.

### ADOPTION OF AGENDA

The following adjustments were made to the agenda:

- |        |                                     |           |
|--------|-------------------------------------|-----------|
| • Add: | Appointment - Don Grell (Item 18-A) | 1:00 p.m. |
| • Add: | Appointment - Jack Clark            | 1:30 p.m. |
| • Add: | Appointment - Amy Couch             | 1:45 p.m. |

*Motion was made by Rozanne King to approve the agenda as amended. Seconded by Verlon Britt. Motion carried unanimously.*

APPROVED AS AMENDED



**APPROVAL OF MINUTES**

*Motion was made by Charlotte Mohr to approve the meeting minutes of August 15, 1994, as presented. Seconded by William Ehm. Motion carried unanimously.*

**APPROVED AS PRESENTED**

**DIRECTOR'S REPORT**

Larry Wilson, Director, reviewed plans for a joint, informal meeting with DOT this evening to discuss matters of mutual interest.

Director Wilson distributed copies of the Midwest Interstate Low-Level Radioactive Waste Compact Commission annual report for FY 93/94. He also displayed a copy of the department's new Air Currents publication. He noted that a number of meetings were held using fiber optics and a total of 1,125 contacts were made in those meetings.

Director Wilson distributed forms for the Commissioners to use in applying for a new state employee ID card.

Director Wilson reviewed that Stephen Intlekofer, who represents an asbestos training center, recently appeared before the Commission and listed a number of complaints about failure of DNR to investigate other state agency projects. Mr. Wilson related that at that time he asked Mr. Intlekofer for a copy of the allegations so that he and staff could follow through on it. He noted that he has not received any of that information, but the department has responded to Mr. Intlekofer pointing out that many of the allegations pertained to projects occurring prior to changes and regulations that govern asbestos removal. Also, some of the allegations were based on rumor and inuendo.

**SECTION 319 NONPOINT SOURCE POLLUTION CONTROL PROJECT CONTRACTS**

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

The Commission is requested to approve the following contracts with the Division of Soil Conservation (DSC), Iowa Department of Agriculture and Land Stewardship. The contracts are for ten nonpoint source pollution control projects and will be for the period of October 1, 1994 through September 30, 1995. EPA Section 319 nonpoint source pollution control funds awarded to the Department will be used for these projects. Many of the projects listed below are being carried out using a combination of Section 319 funds and other funds such as the DSC's Water Protection Fund.

**Lake Protection and Improvement Projects:**

- 
- **Beeds Lake Water Quality, Franklin County, \$62,500** (second year of a three year project)
  - **Centerville City Reservoir Protection Project, Appanoose County, \$73,795** (second year of a three year project)
- 
- **Lake Keomah Project, Mahaska County, \$37,156** (second year of a four year project)
  - **Pine Creek (Upper and Lower Pine Lakes) Water Quality Project, Grundy and Hardin Counties, \$75,500** (third year of a three year project)
  - **Iowa Great Lakes Protection Project, Dickinson County, \$44,860** (fifth year of a five year project)
  - **West Lake Water Quality Protection Project, Clarke County, \$46,240** (fifth year of a five year project)

The contracts will support activities to protect and improve the water quality of the seven lakes listed. Protection of the lakes will be accomplished by reducing sedimentation from soil erosion of cropland and nutrient loading from commercial fertilizer and animal waste in the lake watersheds. Contract funds will be used to support project coordinators or other project staff and to provide financial incentives for Best Management Practices including: nutrient and pest management programs, grassed waterways, grass/tree filter strips, wetland restoration, sediment basins, contour farming, pasture and hayland management, and critical area plantings.

The Iowa Great Lakes, West Lake and Pine Creek projects will be completed in 1995. Final project reports summarizing activities and accomplishments, evaluating the success of the projects, and providing recommendations regarding future lake protection and water quality efforts will be required as a condition of the final year contracts.

#### **Carroll County Livestock Pollution Abatement, Carroll County, \$47,000**

The contract will support the second year activities of a three year project to protect and improve the surface and groundwater resources of Carroll County by reducing the movement of animal waste from open feedlots and animal confinement operations to these waters. This will be accomplished by working with area livestock producers to develop and upgrade animal waste management systems and to utilize these systems as project demonstration sites. Additionally, technical assistance concerning animal waste management practices will be provided to livestock producers and pertinent training in the design and management of waste management systems will be provided to project personnel and other interested parties. Funds will support a staff position to work with the Carroll County SWCD and SCS in carrying out the project.

#### **Floyd County Groundwater Protection Project, Floyd County, \$44,860**

The contract will support fifth year activities of a five year project to address groundwater contamination of the Devonian Aquifer, a major regional water supply. Protection of the aquifer is being accomplished by demonstrating the use of alternative BMPs to reduce groundwater contamination, development of Groundwater Protection Plans for individual farms, and sponsorship of a farm pesticide container cleanup day. Contract funds will be used to support a project coordinator. The project will be completed in 1995 and a final project report will be prepared that summarizes and evaluates the project accomplishments and proposes future directions for groundwater efforts in the area.

**Upper Big Mill Creek Watershed Project, Jackson County, \$48,050**

The contract will support the second year activities of a three year project to protect and improve the water quality of Upper Big Mill Creek. Protection of the creek will be accomplished by reducing sedimentation from soil erosion and nutrient loading from animal wastes and commercial fertilizers within the Upper Big Mill watershed. Contract funds will be used to support a project coordinator and provide cost-share incentives for Best Management Practices including: stream bank stabilization, sinkhole and spring protection, nutrient and pest management, no-till farming, and grazing management.

**Cedar Rapids Urban Water Quality Project, Linn County, \$27,250**

The contract will support the second year activities of a three year project to demonstrate the effectiveness and technical and economic feasibility of construction site erosion control practices to developers, general contractors, government officials, engineers and Realtors. Construction site BMPs that meet or exceed the minimum requirements for stormwater runoff protection required by the National Pollutant Discharge Elimination system (NPDES) permits are being installed on construction sites in Linn County and these sites will subsequently be used as project demonstration sites. Additionally, a model erosion control ordinance will be developed for consideration by local governments.

Mr. Kuhn gave a detailed explanation of the project contracts.

*Motion was made by Charlotte Mohr to approve the Section 319 Nonpoint Source Pollution Control Project Contracts as presented. Seconded by Rozanne King. Motion carried unanimously.*

**APPROVED AS PRESENTED**

Rozanne King asked if the department ever receives a final report on the result of these projects.

Mr. Stokes commented that these are multiple year projects and the department does expect a full report at the end of the project. He noted that staff can provide an interim type report as well as a final report for the projects. He related that staff will provide a projects report at the next meeting.

## 1995 ENVIRONMENTAL MONITORING AND LABORATORY SERVICES AGREEMENT WITH THE UNIVERSITY OF IOWA

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

The Commission is requested to approve the FFY 1995 Agreement with the University of Iowa's Hygienic Laboratory (UHL) for environmental monitoring and laboratory services. The agreement includes air quality monitoring and reporting, water quality monitoring (ambient and compliance), aquatic biological monitoring, fish tissue analysis, water supply analysis and reporting, and provisions for analytical work related to the underground storage tank and uncontrolled sites programs. The proposed 1995 agreement is essentially a continuation of the 1994 agreement with minor changes and does not include any major new initiatives or activities.

The total amount of the agreement is estimated at \$721,065. Attached is a summary of the projected costs broken down by program area. The agreement amount reflects UHL's best estimate of their actual costs plus the University of Iowa's indirect cost rate. Most of the agreement will be supported by funds from various EPA grants. Under Iowa Code §455B.103, the Department is required to contract with the UHL for these services unless the required services cannot be provided by the UHL.

### ESTIMATED AGREEMENT BUDGET

TASK DESCRIPTION	FIXED PAYMENT AGREEMENT AMOUNT *	VARIABLE PAYMENT AGREEMENT ESTIMATE **
<b>Air Quality Monitoring</b>		
Staff	144,512.00	
Monitor Operation and Expenses		63,718.00
Asbestos - Sampling		11,600.00
Subtotal	144,512.00	75,318.00
<b>Water Quality Monitoring</b>		
Fixed Monitoring -Monthly	89,380.00	
Fixed Monitoring -Quarterly	20,900.00	
Compliance Sampling Inspections (CSI)	71,823.00	
Field Support Sample Analysis	64,116.00	
Fish Kill Sample Analysis		1,000.00
Emergency Response	26,125.00	
Fish Tissue Monitoring		1,000.00
Ecoregion/biocriteria pilot sampling (equipment/aquisition)		5,000.00
Ecoregion/biocriteria pilot sampling (field and analytical)		65,000.00

Storm Water Runoff Sampling		5,000.00
Subtotal	272,344.00	77,000.00
<b>Water Supply Monitoring</b>		
Primary drinking water monitoring		3,100.00
SOC and pesticide monitoring		1,200.00
Unscheduled investigations		1,200.00
Reporting UHL analytical data	33,765.00	
Reporting non-UHL analytical data	27,626.00	
Subtotal	61,391.00	5,500.00
<b>Leaking Underground Storage Tanks</b>		20,000.00
<b>Waste Monitoring</b>		65,000.00
Total of Columns	478,247.00	242,818.00
Total Estimated Agreement Amount	721,065.00	

\* The amounts in this column will be divided up into four quarterly payments. They are not expected to change during the contract period.

\*\* The amounts in this column are to be billed to the Department monthly or quarterly. The total amount may change during the contract period. These are only estimates of the final values.

Mr. Kuhn explained the agreement with UHL and distributed copies of a cost summary sheet to use for comparison purposes.

*Motion was made by William Ehm to approve an FFY95 agreement with the UHL for environmental monitoring and laboratory services, at a cost of \$721,065.00. Seconded by Verlon Britt. Motion carried unanimously.*

**APPROVED AS PRESENTED**

## **DES MOINES METRO WASTE AUTHORITY REGIONAL COLLECTION CENTER GRANT CONTRACT**

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

In FY 1993 proposals were solicited throughout the state for hosts for Regional Collection Center (RCC) grants. A RCC is a secured site or facility at which collection, sorting as to type, and packaging of hazardous materials from urban and rural households and CESQGs is conducted prior to transportation of these wastes to the final disposal site.

After careful evaluation the Metro Waste Authority of Des Moines was one of three proposals to be given preliminary approval for a RCC grant pending submittal of their solid waste permitting information.

The Metro Waste Authority received a solid waste permit for their RCC this spring. Construction of their RCC started shortly after the first of May with completion expected in late October of this year. The center will begin collecting household hazardous waste in November and the collection of conditionally exempt small quantity generator (CESQG) hazardous wastes will begin in the spring of 1995.

The Metro Waste Authority has requested a grant of \$100,000 to assist in the establishment of their RCC.

A draft of the Scope of Work for the contractor (Metro Waste Authority) is attached. Approval is requested for the director to enter into a contract with the Metro Waste Authority.

#### ARTICLE V. SCOPE OF WORK

The contractor shall perform in a satisfactory and proper manner the work and services outlined by this agreement.

5.1 Project description. The Contractor will establish a structure or structures to serve as a regional collection center (RCC) and its public education program within a region that serves as a minimum, Polk County, but may include Boone, Dallas, Jasper, Madison, Marion, Marshall, Story, and Warren Counties.

5.2 RCC operation. The contractor will collect hazardous wastes from households as well as conditionally exempt small quantity generators (CESQG). Households will not be directly charged for the disposal of their hazardous wastes. The RCC shall require payment from CESQGs who bring in an amount of hazardous waste greater than 10 pounds.

5.3 RCC education program, households. The RCC will establish a public education program that will stress identification of household hazardous materials (HHM), source reduction, and the proper disposal of household hazardous wastes.

5.3.1 The education program will show a commitment to working with local schools, libraries, and the regional population in general. The education program shall incorporate the Department's Retailer's Consumer Education Program and other HHM programs when appropriate. Information about the RCC also shall be integrated into MWA's speaker's bureau materials.

5.4 RCC education program, Conditionally Exempt Small Quantity Generators. The RCC will facilitate access to the appropriate technical information through its existing "Business

Outreach" Communications Program. This program will assist CESQGs with source reduction, appropriate management, and disposal options for hazardous materials.

5.5 Public awareness, publicity campaign. The contractor shall initiate a communications program to inform targeted audiences about the RCC. The communications program will consist of, at a minimum, preparation and distribution of two fliers and an ongoing strategic media relations campaign.

5.5.1 Public awareness, open house. The Contractor shall conduct at least one open house event open to all interested parties, after the Project is operational, and will encourage media visits at other times. The Contractor shall notify the Department of the open house no later than thirty (30) days prior to the scheduled date of the open house. The Contractor shall promote the RCC and shall inform the public of the Project and Project events through the use of newspapers and/or other media within the area serviced by the Project.

5.6 Project monitoring. The contractor shall document and monitor the source of wastes within the region including the pounds of wastes collected, estimated participation rates, and the level of revenues and expenditures associated with the Project. Monitoring results shall be reported in monthly and final reports to the Department as described in 5.9 and 5.11.

5.7 Permitting. The Contractor shall obtain a solid waste permit from the Environmental Protection Division of the Department (515-281-8941) before the Project begins.

5.8 Purchases. The Contractor agrees to make a concerted effort to award at least two percent of all contracts which directly utilize grant funds in the purchase of supplies, equipment, construction and services to targeted businesses, minority owned businesses or women owned businesses. The Department shall release grant funds for reimbursement for eligible expenses, only after the Contractor documents in writing, a summary of efforts regarding the above mentioned targeted businesses and the Contractor receives approval from the Department. Documentation of the Contractor's efforts may take place prior to placing purchase orders for all eligible contract expenses or the Contractor may elect to submit the documentation prior to the placing of purchase orders for each additional item of equipment, supplies, construction or services.

The Contractor shall purchase any item specified in the plans costing over \$10,000 on a competitive basis if this purchase directly utilizes grant funds. The purchase of equipment will include a local cost share of the actual purchase price of the equipment as identified in Appendix A, Budget. Subject to the five-year reimbursement provision as set forth below, the title of the property purchased by the Contractor shall remain vested with the Contractor.

In the event that the Project fails or ceases operations within five (5) years after the expiration of the Term of Contract as identified on the title page of this Contract and without prior Department approval, the Department shall be reimbursed an amount equal to the estimated current fair market value for all nonexpendable tangible personal property purchased solely with funds provided pursuant to this Contract unless the failure or cessation of the project is the result

of circumstances beyond the control of the contractor despite the exercise of due diligence. In the event any nonexpendable tangible personal property item or items purchased or constructed, using grant funds, are sold and proceeds from that sale are used for other than acquisition of comparable replacement items for up to five (5) years after the expiration of the Term of Contract as identified on the title page of this Contract, the Department shall be paid a percentage of the sale price equal to the percentage of grant money used in the original purchase or construction of the nonexpendable tangible personal property. For the purposes of this contract, nonexpendable tangible personal property, includes but is not limited to, vehicles, trailers, collection and processing equipment, building construction, building remodeling, and scales. For the purposes of this contract, comparable replacement items means items that maintain the intent of the Project.

5.9 Monthly reports. The Contractor shall submit monthly reports on the Project. The monthly reports are due by the 15th of every month. The monthly report shall discuss the status of the project and shall include a monthly update of the information required in the Final Report described in 5.11.

5.10 Pictorial history. The Contractor shall develop a pictorial history via slides of the Project complete with data on project development from early initiation through construction, start-up, and Contract completion. The pictorial history shall be of such quality necessary for conferences, trade journals, and other sources to disseminate the results of the project. Provide necessary supporting information for clarification of pictorial history subject matter. This pictorial history shall be submitted with the final report described in 5.11.

5.11 Final report. The Contractor shall submit a final report on the Project. The final report shall include an overview of Articles 5.1 through 5.10 with special attention given to the following items:

- 1) Information on the source of wastes within the Des Moines Metro Waste Authority region including the pounds of wastes collected, collection schedule, and estimated participation rates associated with the Project. The impact of public education programs. A description of Project costs and revenues. Conclusions and recommendations regarding the Project.
- 2) The environmental impact of the Project.
- 3) Assessment of the viability of conducting this type of project in other regions within the State of Iowa.
- 4) Details on all aspects of the Project during the term of the Contract, including an analysis of problems and successes encountered.
- 5) Complete pictorial (slides) history of the Project. The pictorial history and supporting information must be of presentation quality.



6) Copies of educational materials, fliers, newspaper and magazine articles, news releases, and other written, audio, and pictorial materials that educate or promote the project.

## **ARTICLE VI. MILESTONES**

<b><u>DATE</u></b>	<b><u>ACTIVITY</u></b>
July 1, 1994	Construction has begun
October 27, 1994	Construction ends
Late November, 1994	Collection of household and CESQG hazardous waste begins
Late November, 1994	Begin data monitoring of collections
Spring 1995	Collection of CESQG hazardous waste begins
Spring 1995	Open House Held
September 30, 1995	End data monitoring
October 31, 1995	Final Report and Pictorial History due to the Department

## **ARTICLE VII. REPORTS**

7.1 The Contractor shall submit to the Department monthly progress reports due by the 15th day of each month. Progress reports should cover what has been accomplished in Article V, Scope of Work for the preceding month. Failure to submit timely monthly reports may result in the withholding of any or all unspent grant funds and any retainage funds withheld to date.

7.2 The Contractor shall document any shifting of funds between budget line items, as allowed in Article 10.5, in the monthly report for the month in which funds were shifted. Documentation shall include the reason(s) for shifting funds, how the budget line items are affected and the amount of funds moved between the affected budget line items.

7.3 The Contractor shall submit three (3) copies of a final report describing all activities performed and the results obtained with supporting data. This report shall include information as described in Article V, Scope of Work, and meet all requirements of the Contractor. The final report shall be submitted no later than the ending date set forth under "Time of Final Report" on the title page of this Contract. The final report shall include the following disclaimer: "This (report) was prepared with a grant from the Iowa Department of Natural Resources. However, any opinions, findings, conclusions, or recommendations expressed herein are those of the author(s) and do not necessarily reflect the view of the DNR." Failure to submit a final report and associated materials in a timely manner may result in the withholding of any or all unspent grant funds and any retainage funds withheld to date.

7.4 The Contractor shall furnish to the Department a detailed and documented description of all costs and expenses for the Project, as part of the Final Report, submitted no later than the expiration of "Time of Final Report" as identified on the title page of this Contract.

## **ATTACHMENT A**

---

**PAYMENT AGENT AND BUDGET\***

Payment made to:

Metro Waste Authority  
521 East Locust  
Des Moines, IA 50309-1911

---

<u>ITEM</u>	<u>DNR GRANT</u>	<u>COST SHARE</u>
September 1994 Payment	\$50,000	\$175,000
October 1994 Payment	\$50,000	\$50,000
Total	\$100,000	\$225,000

\* Budget includes materials and labor for construction, and the purchase cost of structures or mobile units, or both, to be used as an RCC.

Mr. Kuhn explained the grant contract in detail. He pointed out a minor change under section 5.8 in the Scope of Work, noting that "two percent" should be changed to "ten percent." This would award ten percent of all contracts to targeted small businesses.

*Motion was made by Rozanne King to approve the Des Moines Metro Waste Authority Regional Collection Center Grant Contract in the amount of \$100,000. Seconded by Charlotte Mohr. Motion carried unanimously.*

Rozanne King asked where the grant money comes from.

Teresa Hay stated that there are specific funds provided for these grants which come from the tonnage fees.

**APPROVED AS PRESENTED**

**REVIEW AND APPROVAL OF FY 96/97 BUDGET REQUEST**

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

The department requests approval of the DNR's budget request to the next General Assembly. As compared to the brief presented at the August meeting, there are several significant changes.

These changes involve the following:

- A. Water Supply: 7 positions added in FY95 and an additional 8 in FY96/7.
- B. Air: 10 positions added in FY95 and an additional 15 in FY96/7.

C. Waste Authorization: 1 position added in FY95.

D. Storm Water: 1 position added in FY95.

All of these program additions are funded with State and/or federal funds and are included in the DNR's highest priority level, the "base" budget. The Water Supply additions were reviewed at the last meeting and are in accordance with legislative intent. The Waste Authorization position was specifically added by legislative intent. The division made a decision to proceed with adding Air positions in FY95, using an estimated \$6.6 million in permit fees, in order to better cope with expanding workload related to reviewing air permit applications.

Two "decision packages" were added at the lowest priority level as compared to the list reviewed at the last meeting. The Geographical Information System (GIS) project had been funded with Oil Overcharge funds. These funds are depleted. The DNR is requesting \$165,000 in General Funds to replace the Oil funds, and to maintain the GIS program at its current level. Three additional positions are requested within the Energy Bureau for the administration of the State of Iowa Facilities Improvement Corporation (SIFIC). SIFIC funds, through bonds, fund energy improvements at State facilities with a 6 year or less payback.

Additional comparative information at the Department and Bureau level will be provided when available and will also be presented at the commission meeting. Commission approval is requested for the budget changes relevant to the EPC.

(Budget Summary and Decision Packages are shown on the following 11 pages)

## **IOWA DEPARTMENT OF NATURAL RESOURCES Budget Request Summary, FY1996 and FY1997**

**This report summarizes the DNR's proposed budget request to the 1995 General Assembly. It includes the following sections:**

The first page outlines the appropriation actions which are necessary to fund the budget request. For comparison purposes, actual appropriations are included for FY93, FY94 and FY95.

The next three page are the decision package ranking schedule showing the DNR's operational priorities from the 75% base budget to the total of the request. The decision packages relate primarily to activities funded by General fund appropriations and Fish and Wildlife Trust fund appropriations, along with related federal support. State earmarked funds and related support are included within the base budget level.

Pages 4 through 11 summarize the DNR's operations budget by division including related staffing and history for FY94 and FY95.

Pages 12 through 15 provide information relative to the major non-budgeted funds not incorporated within the operations or five year capital plan.

Additional budget history and request detail is available upon request. This include line item expenditure estimates at the department, division, bureau and cost center level. Staff and receipt information is available in similar detail.

Major changes, as compared to the FY94 and FY95 levels, involve significant expansion of both the Air and Water Programs, an increase in proposed REAP funding from \$7.5 million to \$10 million, additional conservation officers, state funding for the Geographical Information system, and additional support for the State's Facilities Improvement corporation.

**DEPARTMENT OF NATURAL RESOURCES**  
**Appropriation Request Summary**  
**FY96 & FY97**

APPROPRIATION NAME	FY 93 ACTUAL APPROP	FY94 ACTUAL APPROP	FY95 ACTUAL APPROP	FY96 REQUESTED APPROP	FY97 REQUESTED APPROP
<b>GENERAL FUND - OPERATIONS</b>				12,430,333	12,439,089
DNR OPERATIONS, COMBINED					
ADMINISTRATION OPERATIONS	2,066,624	1,787,244	1,853,748		
PARKS OPERATIONS	5,444,671	5,659,969	5,470,362		
FORESTRY OPERATIONS	1,443,010	1,353,518	1,463,951		
ENERGY AND GEOLOGY OPERATIONS	1,656,091	1,640,573	1,655,479		
ENVIRONMENTAL PROTECTION OPERATIONS	2,092,656	2,048,640	1,534,780		
<b>TOTAL GENERAL FUND - OPERATIONS</b>	<b>\$12,703,052</b>	<b>\$12,489,944</b>	<b>\$11,978,320</b>	<b>\$12,430,333</b>	<b>\$12,439,089</b>
<b>GENERAL FUND / LOTTERY-SPECIAL</b>					
GREEN THUMB	129,279				
WATER QUALITY PROTECTION FUND		300,000	404,000	404,000	404,000
RESOURCE ENHANCEMENT & PROTECTION	8,547,275	7,500,000	7,000,000	10,000,000	10,000,000
MARINE FUEL TAX OPERATIONS	411,311	411,311	411,311	411,311	411,311
MARINE FUEL TAX CAPITALS	1,463,000	1,700,000	1,600,000	1,650,000	1,650,000
MARINE FUEL TAX COUNTY GRANTS	188,945	200,000	200,000	200,000	200,000
BLACKHAWK LAKE DREDGING	397,780				
5 ISLAND LAKE RESTORATION		200,000	75,000		
EASTER LAKE RESTORATION			50,000		
<b>TOTAL GENERAL FUND / LOTTERY-SPECIAL</b>	<b>\$11,137,590</b>	<b>\$10,311,311</b>	<b>\$9,740,311</b>	<b>\$12,665,311</b>	<b>\$12,665,311</b>
<b>NON-GENERAL FUND APPROPRIATIONS</b>					
FISH AND WILDLIFE OPERATIONS	19,731,921	20,166,627	20,731,512	20,683,363	20,696,664
OIL OVERCHARGE	4,473,200	4,563,200	2,538,200	1,460,000	300,000
UST ADMINISTRATION MATCH	136,000	145,000	75,000	75,000	75,000
HAZ. WASTE REMEDIAL FUND FOR AIR QUALITY			281,000		
SNOWMOBILE FEES TO FISH AND WILDLIFE	100,000	100,000	100,000	100,000	100,000
BOATING FEES TO FISH AND WILDLIFE	950,000	950,000	1,571,590	1,200,000	1,200,000
<b>TOTAL NON-GENERAL FUND APPROPRIATIONS</b>	<b>\$25,391,121</b>	<b>\$25,924,827</b>	<b>\$25,297,302</b>	<b>\$23,518,363</b>	<b>\$22,371,664</b>

Note: The above appropriations are not the entire DNR budget. A significant portion of the budget is funded by e State revenues and federal grants. These sources supplement the above appropriations. All anticipated re expenditures are fully disclosed in the DNR's budget request.

# Environmental Protection Commission Minutes

September 1994

NATURAL RESOURCES, DEPARTMENT OF  
NATURAL RESOURCES  
NATURAL RESOURCES DEPT. OPS.

STATE OF IOWA  
DEPARTMENT OF MANAGEMENT  
BUDGET WORKSHEETS FOR 1995-1997 BIENNIIUM  
RANKING SCHEDULE- BUDGET UNIT

SCHEDULE 1 BUDGET UNIT  
(RANKING SCHEDULE)  
DATE 08/25/94 TIME 01.01.49  
PAGE 1

95001542G72

RANK	DESCRIPTION	TOTAL DEPT REQUEST FY 1995 - 1996		TOTAL DEPT REQUEST FY 1996 - 1997	
		EXPEND/FTE	APPROPRIATION	EXPEND/FTE	APPROPRIATION
	BASE	\$ 52,831,077	GF \$ 9,509,460	\$ 52,861,466	GF \$ 9,517,377
	Maintain only essential services associated with natural resource protection, recreation and preservation.	( 779.31)	OT 18,361,408	( 779.31)	OT 18,376,226
0001	Restore staffing at 19 state parks to resume campground operation, park security and visitor services at intermediate park management levels.	1,456,558	GF 1,456,558	1,456,558	GF 1,456,558
		( 22.00)		( 22.00)	
0002	Restore Big Springs Hatchery as well as statewide enforcement and public land management activities.	1,113,854	OT 1,113,854	1,114,292	OT 1,114,292
		( 19.80)		( 19.80)	
0003	FLOOD PLAIN Restore flood plain program by providing for state supervision of flood plain construction activities.	278,717	GF 278,717	278,977	GF 278,977
		( 5.25)		( 5.25)	
0004	Restore Yellow River, Stephens, Shimek state forest operations as well as forestry management assistance to land owners.	192,549	GF 192,549	192,549	GF 192,549
		( 3.00)		( 3.00)	
0005	Restore administrative support, license, finance, and data processing staff required to maintain basic support for essential departmental activities.	863,889	GF 487,058	864,015	GF 487,133
		( 19.00)	OT 376,831	( 19.00)	OT 376,882
0006	Restore gauging stations and geologic and hydrologic data used for development, management and conservation of water and mineral resources.	302,905	GF 302,905	303,416	GF 303,416
		( 4.00)		( 4.00)	
0007	Restore Fire Protection and Urban Forestry programs as well as 98% of the Department's state forest management capabilities.	126,521	GF 126,521	126,658	GF 126,658
		( 3.83)		( 3.83)	
0008	Restore wildlife extension work with local landowners, fish management/stocking and law enforcement activities.	1,110,471	OT 1,110,471	1,110,471	OT 1,110,471
		( 20.00)		( 20.00)	
0009	WATER RIGHTS Restore water withdrawal program by providing for state supervision of water use activities.	\$ 127,684	GF \$ 127,684	\$ 127,709	GF \$ 127,709
		( 2.50)		( 2.50)	
0010	Restore staffing at Bellevue and Lake Darling to resume operations, park security and visitor services at intermediate park management levels.	80,000	GF 80,000	80,000	GF 80,000
		( 2.00)		( 2.00)	
0011	Restore staffing at Beeds Lake and Mines of Spain to resume operations, park security, and visitor services at intermediate park management levels.	80,000	GF 80,000	80,000	GF 80,000
		( 2.00)		( 2.00)	

NATURAL RESOURCES, DEPARTMENT OF  
NATURAL RESOURCES  
NATURAL RESOURCES DEPT. OPS.

STATE OF IOWA  
DEPARTMENT OF MANAGEMENT  
BUDGET WORKSHEETS FOR 1995-1997 BIENNIAL  
RANKING SCHEDULE- BUDGET UNIT

SCHEDULE 1 BUDGET UNIT  
(RANKING SCHEDULE)  
DATE 00/25/94 TIME 01.01.49  
PAGE 2

95001542672

RANK	DESCRIPTION	TOTAL DEPT REQUEST FY 1995 - 1996		TOTAL DEPT REQUEST FY 1996 - 1997	
		EXPEND/FTE	APPROPRIATION	EXPEND/FTE	APPROPRIATION
0012	USGS COOPERATIVE AGREEMENT Restore sediment stations to monitor sediment (erosion) load of streams; and to restore collection and analysis of water-use data.	54,465 GF	54,465	54,465 GF	54,465
0013	PUBLICATIONS Restore field information and education activities resuming TV, radio, periodical and brochure contact with the public concerning DNR programs.	( 110,651 GF 2.00) OT	66,391 44,260	( 110,651 GF 2.00) OT	66,391 44,260
0014	Restore mississippi monitoring program and fish and wildlife research activities as well as recreational safety programs.	( 1,135,998 18.80) OT	1,135,998	( 1,135,998 18.80) OT	1,135,998
0015	Restore state forest management activities to 100% of current FY 95 level of service.	( 54,118 GF 1.00)	54,118	( 54,118 GF 1.00)	54,118
0016	Restore parttime help required to maintain day to day wildlife, and fisheries facilities as well as boating navigation enforcement activities.	( 1,053,681 59.98) OT	1,053,681	( 1,053,681 59.98) OT	1,053,681
0017	PUBLICATIONS Restore publishing support for brochure, magazine and news release preparation.	( 39,628 GF 1.00) OT	23,777 15,851	( 39,628 GF 1.00) OT	23,777 15,851
0018	PUBLICATIONS Restore Media Link electronic news release services.	15,000 GF OT	9,000 6,000	15,000 GF OT	9,000 6,000
0019	NM DISTRICT PARKS MGMT Restore seasonal help to 13 state recreation areas to maintain area facilities.	\$ 85,000 GF \$ ( 5.65)	85,000	\$ 85,000 GF \$ ( 5.65)	85,000
0020	LAH ENFORCEMENT BUREAU MGMT Provide additional funding to increase fish and wildlife enforcement activities as directed by the legislature.	( 150,000 2.00) OT	150,000	( 150,000 2.00) OT	150,000
0021	GEOGRAPHIC INFORMATION SYSTEM Provide funding to continue development of the statewide Geographical Information System.	( 165,000 GF 2.50)	165,000	( 165,000 GF 2.50)	165,000
0022	ENERGY BUREAU MGMT Provide additional staffing for the administration of the State of Iowa Facilities Improvement Corporation (SIFIC).	( 148,000 GF 3.00)	148,000	( 148,000 GF 3.00)	148,000
TOTAL		\$ 61,575,766 GF \$ ( 978.62) OT	13,247,203 23,368,354	\$ 61,607,652 GF \$ ( 978.62) OT	13,256,128 23,383,661

DEPARTMENT OF NATURAL RESOURCES  
Division Operations, FY96/7 Budget Request

	FY94 Actual*	FY95 Budget	FY96 Request	FY97 Request
<b>Director's Office:</b>				
<b>Source of Funds:</b>				
General Fund	356,495	278,396	275,404	275,802
Fish & Wildlife Trust Fund	533,038	509,586	522,783	522,915
Federal Indirect & Grants	393,669	388,747	388,717	388,933
Other, Receipts, Indirect Charges	846,937	543,459	544,820	545,092
<b>Total Sources</b>	<b>2,130,139</b>	<b>1,720,188</b>	<b>1,731,724</b>	<b>1,732,742</b>
<b>Uses of Funds:</b>				
Director's Office	328,780	345,685	349,172	349,510
REAP Congress & Related	12,147	22,000	22,000	22,000
Policy Coordination	78,139	82,289	83,799	83,969
Information & Education Bureau	1,189,247	1,270,214	1,276,753	1,277,263
	<b>1,608,313</b>	<b>1,720,188</b>	<b>1,731,724</b>	<b>1,732,742</b>
<b>Staffing Budget</b>	<b>21.40 FTE</b>	<b>20.40 FTE</b>	<b>20.40 FTE</b>	<b>20.40 FTE</b>
<b>FY94 Actual</b>	<b>21.04 FTE</b>			

No significant change in budget request as compared to current operations. Staff reduced by one position in FY95.

	FY94 Actual*	FY95 Budget	FY96 Request	FY97 Request
<b>Administrative Services Division:</b>				
<b>Sources of Funds:</b>				
General Fund	1,344,206	1,344,162	1,327,308	1,326,476
Fish & Wildlife Trust Fund	2,438,642	2,009,660	2,039,890	2,041,487
Federal Indirect	742,562	682,570	694,595	695,166
Other, Receipts, Indirect Charges	1,036,331	1,084,002	1,102,629	1,103,376
	<b>5,561,741</b>	<b>5,120,394</b>	<b>5,164,422</b>	<b>5,166,505</b>
<b>Uses of Funds:</b>				
Budget and Grants Bureau	342,267	353,095	357,247	357,602
Central Indirect & Workers' Comp	490,608	255,850	255,850	255,850
Accounting Bureau	751,612	748,019	755,059	755,355
Admin. Support Services Bureau	1,448,050	1,438,912	1,448,995	1,449,165
Data Processing Services Bureau	791,252	710,107	717,634	718,243
License Bureau	268,810	282,330	285,518	285,603
Construction Services Bureau	818,064	773,220	784,087	784,565
Land Acquisition & Mngt Bureau	439,980	452,552	457,011	457,434
Division Mngt & Misc.	105,416	106,309	103,021	102,688
	<b>5,456,059</b>	<b>5,120,394</b>	<b>5,164,422</b>	<b>5,166,505</b>
<b>Staffing Budget</b>	<b>94.10 FTE</b>	<b>93.10 FTE</b>	<b>93.10 FTE</b>	<b>93.10 FTE</b>
<b>FY94 Actual</b>	<b>90.32 FTE</b>			

No significant change in budget request as compared to current operations. Indirect cost rate reduced from 16% to 13% in FY95, shifting some indirect support from federal and earmarked funds to General funds. Staff reduced by one position in FY95.



	<b>FY94 Actual*</b>	<b>FY95 Budget</b>	<b>FY96 Request</b>	<b>FY97 Request</b>
<b>Parks, Preserves &amp; Rec. Division:</b>				
<b>Sources of Funds:</b>				
General Fund	5,424,969	5,470,362	5,528,561	5,530,836
Marine Fuel Tax	411,311	411,311	411,311	411,311
Receipts and Grants	2,271,809	2,418,846	2,419,275	2,419,275
	<u>8,108,089</u>	<u>8,300,519</u>	<u>8,359,147</u>	<u>8,361,422</u>
<b>Uses of Funds:</b>				
Parks & Recreation Area Operations	7,446,747	7,277,789	7,329,321	7,330,562
Preserves & Parks Mngt.	519,915	583,375	588,959	589,828
Grants, Trees, Trails, Endg. Species	234,894	220,990	220,890	220,890
Cedar Rock Operations	116,245	124,877	125,306	125,306
Division Mngt. & Misc.	165,465	93,488	94,671	94,836
	<u>8,483,266</u>	<u>8,300,519</u>	<u>8,359,147</u>	<u>8,361,422</u>
Staffing Budget	195.73 FTE	195.73 FTE	195.73 FTE	195.73 FTE
FY94 Actual	201.36 FTE			
No significant change in the budget request as compared to current operations. Division over budget in FY94 due to flood damage repairs.				

	<b>FY94 Actual*</b>	<b>FY95 Budget</b>	<b>FY96 Request</b>	<b>FY97 Request</b>
<b>Forests &amp; Forestry Division:</b>				
<b>Sources of Funds:</b>				
General Fund	1,443,518	1,463,951	1,490,986	1,492,098
Federal	475,000	475,000	475,000	475,000
Nursery & Forest Receipts	866,000	862,000	862,000	862,000
	<u>2,784,518</u>	<u>2,800,951</u>	<u>2,827,986</u>	<u>2,829,098</u>
<b>Uses of Funds:</b>				
Nursery Operations	622,635	656,084	659,466	659,637
State Forest Operations	871,126	995,246	1,004,644	1,004,814
Forestry Landowner Services	997,746	1,050,726	1,062,801	1,063,407
Division Mngt. & Misc.	106,849	98,895	101,075	101,240
	<u>2,598,356</u>	<u>2,800,951</u>	<u>2,827,986</u>	<u>2,829,098</u>
Staffing Budget	48.71 FTE	48.71 FTE	48.71 FTE	48.71 FTE
FY94 Actual	46.44 FTE			
No significant change in the budget request as compared to current operations.				

	FY94 Actual	FY95 Budget	FY96 Request	FY97 Request
<b>Energy &amp; Geo. Resources Division:</b>				
<b>Sources of Funds:</b>				
General Fund	1,660,573	1,655,479	1,993,574	1,996,959
Federal	1,050,152	1,424,135	1,426,170	1,426,149
Groundwater & Receipts	1,251,936	1,264,951	1,153,417	1,153,587
	<u>3,962,661</u>	<u>4,344,565</u>	<u>4,573,161</u>	<u>4,576,695</u>
<b>Uses of Funds:</b>				
Energy Bureau	1,273,719	1,913,113	2,079,419	2,080,100
Geology Bureau	2,054,860	2,343,209	2,404,411	2,407,099
Division Mngt. & Misc.	84,225	88,243	89,331	89,496
	<u>3,412,804</u>	<u>4,344,565</u>	<u>4,573,161</u>	<u>4,576,695</u>
Staffing Budget	52.00 FTE	52.00 FTE	55.00 FTE	55.00 FTE
FY94 Actual	49.74 FTE			

Three additional positions, funded by General funds, requested in FY96/7 for the SIFIC program. Oil Overcharge funding for the Geographical Information System replaced with General fund request in FY96/7, affecting 2.5 current FTE.

	FY94 Actual	FY95 Budget	FY96 Request	FY97 Request
<b>Environmental Protection Division:</b>				
<b>Sources of Funds:</b>				
General Fund	2,083,640	2,342,780	2,375,121	2,377,805
Federal	6,761,707	7,712,370	7,740,921	7,743,056
Receipts, Water, Air, Groundwater	2,425,208	7,708,018	8,610,981	8,616,112
	<u>11,270,555</u>	<u>17,763,168</u>	<u>18,727,023</u>	<u>18,736,973</u>
<b>Uses of Funds:</b>				
Water Quality Bureau	3,413,835	4,884,052	4,924,154	4,927,291
Air Quality Bureau	1,392,259	6,453,861	6,985,800	6,987,043
Land Quality Bureau	2,051,546	2,554,938	2,590,242	2,591,985
Compliance & Enforcement Bureau	3,232,282	3,734,225	4,089,015	4,092,613
Division Mngt. & Misc.	133,862	136,092	137,812	138,041
	<u>10,223,784</u>	<u>17,763,168</u>	<u>18,727,023</u>	<u>18,736,973</u>
Staffing	161.00 FTE	183.00 FTE	206.00 FTE	206.00 FTE
FY94 Actual	157.86 FTE			

There are significant changes in FY95 and the request for FY96/7 as compared to the FY94 level. The Water Supply budget increased by 8 FTE and support from FY94 to FY95. No further increases for Water Supply are requested in FY96/7. Related funding is from the new Water Protection Fund, including water supply fees.

The Air program increases by 10 positions in FY95 and an additional increment of 15 positions in FY96. Funding is from Air Permit fees estimated at \$6.6 million annually.

	FY94 Actual	FY95 Budget	FY96 Request	FY97 Request
<b>Fish &amp; Wildlife Division:</b>				
<b>Sources of Funds:</b>				
Balance Fwd	5,321,130	4,031,000	3,800,000	3,300,000
Federal	6,184,000	7,902,500	5,571,400	5,449,000
Transfers, Boat & Snowm. Fees	1,050,000	1,671,950	1,300,000	1,300,000
Licenses & Receipts	16,304,000	17,041,000	16,964,000	16,952,000
	<u>28,859,130</u>	<u>30,646,450</u>	<u>27,635,400</u>	<u>27,001,000</u>
<b>Summary of Uses:</b>				
<b>Expenditures &amp; Transfers</b>				
FW Capitals, (See 5yr Plan)	5,287,400	5,010,000	2,735,000	2,475,000
Admin. & Services Support, See Director's Office & Admin.	2,971,680	2,519,246	2,562,673	2,564,402
<b>FW Division Operations:</b>				
Transfer from Trust Fund Receipts, per Legislative Appropriation	17,371,490	18,443,456	18,368,069	18,379,375
Federal Reservoir Receipts	229,154	273,163	276,602	276,602
Available for Operations	<u>17,600,644</u>	<u>18,716,619</u>	<u>18,644,671</u>	<u>18,655,977</u>
<b>Uses of Funds:</b>				
Law Enforcement & Safety Bureau	5,520,438	6,221,422	6,011,502	6,017,728
Fisheries Bureau	5,154,775	5,655,140	5,711,039	5,714,530
Wildlife Bureau	6,042,665	6,463,959	6,544,278	6,545,532
Division Mngt. & Misc.	247,996	376,098	377,852	378,187
	<u>16,965,874</u>	<u>18,716,619</u>	<u>18,644,671</u>	<u>18,655,977</u>

Staffing 338.93 FTE 338.93 FTE 340.93 FTE 340.93 FTE  
FY94 Actual 329.04 FTE

Two additional conservation officers, to be funded by increased non-resident deer and turkey permits, are requested in FY96. No other significant changes are requested.

A summary of trust fund income and related expenditures, in addition to division operations, are included. Estimates are rounded, and FY94 accounting has not been completed. Thus, amounts shown do not reconcile exactly. Minor additional adjustments can be expected.

As per the capital plan previously submitted, FW capital expenditures in FY96/7 are less as compared to recent years. However, the NRC has the authority to exceed budgeted capital plan levels if sufficient receipts are available.

	FY94 Actual	FY95 Budget	FY96 Request	FY97 Request
<b>Waste Mngt. Assistance Division:</b>				
<b>Sources of Funds:</b>				
Groundwater Fund Transfers	812,208	849,009	864,007	864,445
Federal	119,864	120,659	120,659	120,659
Waste Volume Reduction	169,756	155,209	157,402	157,402
	<u>1,101,828</u>	<u>1,124,877</u>	<u>1,142,068</u>	<u>1,142,506</u>
<b>Uses of Funds:</b>				
Planning & Grants	181,333	247,235	250,628	250,628
Waste Reduction & Recycling	304,865	270,977	274,450	274,450
Waste Reduction Assistance	41,121	124,700	127,153	127,308
Pollution Prevention Incentives	107,020	97,096	97,096	97,096
Hospitals Waste Reduction	0	29,238	29,238	29,238
Waste Reduction	120,937	155,209	157,402	157,402
Division Mngt. & Misc.	172,119	200,422	206,101	206,384
	<u>927,395</u>	<u>1,124,877</u>	<u>1,142,068</u>	<u>1,142,506</u>
Staffing Budget	16.75 FTE	16.75 FTE	16.75 FTE	16.75 FTE
FY94 Actual	16.65 FTE			

No significant changes as compared to FY94 levels are anticipated in the budget request.

\*Note: Actual expenditures for FY94 reflect status as of August 31, 1994 and are very close to probable ending FY94 amounts. However, the related "sources" budget for FY94 is based on the budget, not actual, as FY94 accounting work has not yet been finished.

#### NON-BUDGETED FUNDS SUMMARY FY1996 and FY1997 Budget Request

The DNR has several "non-budgeted" funds. These are separate budget entities that have the authority for collection and expenditures contained within the permanent Iowa Code. Typically, no specific legislative action is required relative to these funds unless (a) the General Assembly so chooses, or (2) a transfer or expenditure of funds is desirable without the necessary authority included in the permanent Code. Following is a summary of these funds, and related agency programs, intent, and planned uses.

#### BOAT REGISTRATION FUND

	FY94 Actual	FY95 Budget	FY96 Request	FY97 Request
<b>Resources:</b>				
Balance Fwd	2,357,583	1,842,801	2,268,211	1,495,211
Boat Fees	463,913	1,975,000	475,000	1,975,000
Federal, Boating Safety	38,426	25,000	25,000	25,000
Total	<u>2,859,922</u>	<u>3,842,801</u>	<u>2,768,211</u>	<u>3,495,211</u>
<b>Uses of Funds:</b>				
Registration Supplies & D.P.	67,121	3,000	73,000	73,000
Transfer to FW for Enforcement	950,000	1,571,590	1,200,000	1,200,000
Total	<u>1,017,121</u>	<u>1,574,590</u>	<u>1,273,000</u>	<u>1,273,000</u>

The Boat Registration Fund is appropriated solely for boat registration administration and boating safety. Direct expenditures related to registration forms, supplies and D.P. services. The remainder is used to support enforcement and safety training related to boating within the Fish and Wildlife division.

## SNOWMOBILE FUND

	FY94 Actual	FY95 Budget	FY96 Request	FY97 Request
<b>Resources:</b>				
Balance Forward	496,550	366,342	550,842	310,342
Snowmobile Fees	103,571	500,000	75,000	500,000
Total	600,121	866,342	625,842	810,342
<b>Uses of Funds:</b>				
State Snowmobile Program	22,983	5,500	5,500	5,500
Registration Supplies & DP	21,237	11,000	11,000	11,000
Grants to County Boards	89,559	199,000	199,000	199,000
Transfer to FW for Enforcement	100,000	100,000	100,000	100,000
	233,779	315,500	315,500	315,500

Snowmobile fees are appropriated for State and County efforts to develop and maintain trails, registration forms, supplies and DP services, and enforcement/safety efforts by conservation officers. By law, at least 50% of the receipts must be made available to counties. Typically, significantly more than 50% is provided to counties. Expenditures and receipts vary widely from year to year, due both to the bi-annual registration cycle and snow conditions.

## ALL TERRAIN VEHICLE FUND

	FY94 Actual	FY95 Budget	FY96 Request	FY97 Request
<b>Resources:</b>				
Balance Forward	91,303	65,553	553	4,553
Registration Fees	13,449	50,000	50,000	50,000
DOT Cost-Share	71,837			
	176,589	115,553	50,553	54,553
<b>Uses of Funds:</b>				
State Program Support	2,869	3,000	3,000	3,000
State Grants	7,984	40,000	40,000	40,000
Capital, Land/Development	100,183	72,000	3,000	3,000
	111,036	115,000	46,000	46,000

ATV fees are appropriated for administrative expenses, i.e., registration forms and ATV safety initiatives. Most of the recent activity relates to acquiring and developing public areas for ATV purposes.

## HAZARDOUS WASTE REMEDIAL FUND

	FY94 Actual	FY95 Budget	FY96 Request	FY97 Request
<b>Resources:</b>				
Balance Forward	1,006,219	1,172,937	297,937	298,337
Hazardous Waste Fees	185,585	200,000	200,000	200,000
Other, Recoveries, etc.	53,125	40,000	40,000	40,000
	1,244,929	1,412,937	537,937	538,337
<b>Uses of Funds:</b>				
SuperFund Site Mngt,				
State Supported	67,782	84,000	84,500	84,500
Appropriation to Air Program		281,000		
Site Cleanup	4,210	750,000	155,100	155,500
Total	71,992	1,115,000	239,600	240,000

The Hazardous Waste Remedial fund is used for operational expenditures within the Environmental Protection division related to management of superfund sites which are the State's responsibility. Funds can also be used for cleanup of sites, either emergencies or where no other responsible party can be found. The DNR has recently requested proposals for cleaning a large used tire pile in North Central Iowa. The 1995 G.A. appropriated \$281,000 from this fund as part of the funding package for the Air Quality program.

GROUNDWATER FUND	FY 94 ACTUAL	FY 95 BUDGET	FY 96 REQUEST	FY 96 REQUEST
<u>REVENUES</u>				
BALANCE FORWARD	8,586,797	9,331,058	479,198	326,345
STORAGE TANK FEES	604,767	610,000	610,000	610,000
OIL OVERCHARGE	300,000	-	-	-
HOUSEHOLD HAZ WASTE FEES	462,700	350,000	350,000	350,000
AGRICULTURAL MGT FEES	3,300,493	3,300,000	3,300,000	3,300,000
SOLID WASTE FEES	7,453,053	6,300,000	6,300,000	6,300,000
TOTAL REVENUES	20,707,810	19,891,058	11,039,198	10,886,345
<u>EXPENDITURES</u>				
STORAGE TANK PROGRAM ADM	83,279	208,174	213,686	214,059
REMEDIAL CLEANUP	-	-	-	-
DEPARTMENT OF HEALTH	1,000	1,000	1,000	1,000
COMMERCE INSURANCE DIV	-	-	-	-
STORAGE TANK INSURANCE FUND	465,275	469,700	469,700	469,700
BIG SPRINGS STUDY	220,605	344,032	-	-
DNR GENERAL ACTIVITIES	12,590	23,000	-	-
LANDFILL ALTERNATIVES OOC	-	-	-	-
SOLID WASTE ADMINISTRATION	-	-	-	-
RURAL WELL ASSESSMENT	-	-	-	-
ABANDONED WELL EDUCATION AG	14,000	21,460	-	-
AG ENERGY MGT AG	116,472	133,275	-	-
IWSWRRI REGENTS	756	-	-	-
LEOPOLD CENTER REGENTS	-	-	-	-
RECYCLING PROJECTS	-	-	-	-
TOXIC WASTE CLEANUP DAYS	1,328,126	251,842	204,120	203,761
HOUSEHOLD HAZ WASTE ADM	198,723	143,255	144,240	144,239
HHWA DEPT HEALTH	2,000	2,000	2,000	2,000
USED MOTOR OIL STUDY DOT	-	-	-	-
DEPT PUBLIC HEALTH	9,000	9,000	9,000	9,000
HEALTH CENTER (CHEEC)	294,325	300,175	296,190	296,190
LEOPOLD CENTER	1,144,596	1,167,345	1,151,850	1,151,850
UHL REGENTS	196,217	200,116	197,460	197,460
COUNTY GRANTS DNR ADM	52,065	36,587	36,994	37,090
CO. GRANTS 17.5% WELL TESTING	563,556	1,493,272	575,925	575,925
CO. GRANTS 17.5% WELL ABANDONMENT	501,809	1,384,439	575,925	575,925
COUNTY CONSERVATION BOARDS	-	15,109	-	-
AG DRAINAGE WELL/SINKHOLES	425,136	433,585	427,830	427,830
SOLID WASTE DNR	1,416,818	1,449,891	1,480,448	1,481,812
SOLID WASTE LANDFILL CLEANUP	(0)	-	-	-
WASTE MGT AUTHORITY DNR	-	-	-	-
DEPT OF HEALTH	8,000	8,000	8,000	8,000
SMALL BUSINESS CENTER	564,626	477,273	477,273	477,273
LANDFILL ALTERNATIVES SWA	3,344,474	7,397,011	3,226,742	3,226,741
SPECIAL WASTE AUTHORIZATION	-	50,000	50,000	50,000
UNI BY-PRODUCTS/WASTE SERVICE	-	65,000	65,000	65,000
SANITARY DISPOSAL GRANTS	-	3,475	-	-
PUBLIC WATER SUPPLY GRANTS	-	-	-	-
LOCAL AGENCY GRANTS	-	-	-	-
REG COUNCIL WASTE EXCG GRANTS	206,775	326,125	190,909	190,909
HHW PERMANENT COLLECTN SITES	15,000	841,132	286,364	286,364
HHW COLLECTN TRANSPORTATION	-	380,377	95,455	95,455
TOXIC CLEANUP DAYS	18,553	691,969	238,636	238,636
RECYCLING USER LOAN PROG	-	730,988	-	-
DED TRANSFER	72,000	163,377	95,455	95,455
WASTE REDUCTION AND ASST PG	100,977	189,875	192,652	192,827
TOTAL EXPENDITURES	11,376,752	19,411,860	10,712,853	10,714,500

Mr. Kuhn reviewed the budget request and decision packages. He noted that the Commission had previously given their conditional approval for the budget. Mr. Kuhn explained changes made in the Environmental Protection Division area noting there should be eight positions added in FY95 for Water Supply rather than seven as shown on the item brief. He pointed out additional FTE changes for the division.

Chairperson Siebenmann asked if regular staffing has changed considerably.

Mr. Kuhn answered affirmatively noting that there will be some office space problems to be worked out.

Discussion followed in regard to staffing the air programs and Mr. Stokes commented that there are now 26 staff in the Air Quality Bureau and over time it could go as high at 60-80 staff. The department is also contemplating the use of contract people to handle the initial influx in the permit program.

Charlotte Mohr inquired as to the turn around time for air permits.

Mr. Stokes stated that the state-only construction permits are presently taking 90 to 100 days. The normal processing time for state-only construction permits is about 45 days and no more than 60 days. He emphasized that this year the department has already received as many permit applications in the air quality area as was received all of last year. A federal PSD permit can be handled in 120 days.

*Motion was made by William Ehm to approve the FY 96/97 Budget Request as presented. Seconded by Rozanne King. Motion carried unanimously.*

**APPROVED AS PRESENTED**

## **PUBLIC PARTICIPATION**

### **Linda Goeldner**

Linda Goeldner, Iowa Hospital Association, expressed concerns with the Voluntary Air Operating Permit rules noting that during the public comment period she posed an objection to the word "potential" as used in section 567--22.201(1)a of the rules. She related that the word "potential" is a difficulty for the hospitals since they have sterilizers, boilers, generators and oil tanks and are required to have a large potential for emergency purposes. She noted that the hospitals that filled out the Emissions Inventory found that their actual emissions are very small but their potential emissions are very high. Ms. Goeldner asked that the rules be reviewed because they feel the hospitals should be predominantly more eligible for the voluntary operating permits and not pushed into the Title V permits. She added that she is asking for an

exception in the rule that recognizes that hospitals must have back-up generators, boilers, and sterilizers and that it also recognizes the mandated 24 hour operation of these facilities.

### **LANDFILL ALTERNATIVE GRANT RECIPIENTS**

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

Fourteen (14) grant applications were selected for funding from a round of fifty-six (56) applications submitted the first Monday in June, 1994. A brief summary of each selected project follows for the Commission's information. Thirteen (13) of the grant awards are in excess of \$25,000 and contracts for these projects will be brought before the Commission for approval at future meetings. The remaining grant award is less than \$25,000.

## **LANDFILL ALTERNATIVES GRANT PROGRAM**

### **RECOMMENDED APPLICATIONS, JUNE 1994**

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#### **City of Davenport**

**Tom Bylund**

**Solid Waste Superintendent**

**\$300,000**

Will implement mandatory residential curbside recycling program for 30,000 households currently provided with municipal refuse collection. Targeted materials include paper (ONP, high grade, cardboard, kraft), plastic (PETE and HDPE), glass, aluminum and ferrous metals. Estimate a diversion from the landfill of 3,900 tons annually. Other recyclable paper including junk mail, chipboard and paper egg cartons may also be collected. Collection of these other recyclable paper materials depends on the construction of a paper mill in Moline, IL. If all of the above materials are collected, 5,371 tons would be diverted. Collected materials will go to the Scott County MRF for processing and marketing. Grant funds requested for recycling trucks, recycling bins, and education.

The Water Pollution Control Plant, located in the City of Davenport, was awarded a \$300,000 grant during the December 1993 grant round. This project will implement co-composting of sewage sludge and yard waste from Scott County.

#### **Scott Area Solid Waste Management Commission**

**Kathy Morris**



**Director****\$300,000**

Project involves construction and equipping of the Scott County Materials Recovery Facility (MRF) to serve Scott County. Materials the facility will accept include: ONP, office paper, magazines, phone books, metal food cans, beverage cans, HDPE, PETE, and glass (clear, green, brown). Grant funds are requested for building construction and equipment purchase.

Scott County has received two previous grants. The first grant for \$313,750 was awarded in 1988 for a demonstration study of co-composting sewage sludge and yard waste. The second project received a \$14,615 grant for a study to determine the PCB concentrations in white goods and lighting fixtures. The grant also funded the construction of equipment to recover Freon from white goods.

**Hy-Line International****Steve Rieger****Production Manager****\$300,000**

The Dallas County, City of Dallas Center, applicant proposes on-site processing of hatchery and spent fowl waste into a feed component to be used at the facility. The project will eliminate landfilling of approximately 133.5 tons per month of hatchery and spent fowl waste. Other disposal options are no longer available. Minnesota processor has indicated they no longer need the old birds and rendering plants are unable to deal with live birds. Chicken feathers can also cause problems during the rendering process. Grant funds are requested for equipment and testing.

Hy-Line International has not received a previous grant.

**Rathbun Area Solid Waste Management Commission****Ralph Alshouse****Chairperson****\$117,400**

The applicant, located in the City of Centerville, Appanoose County, proposes to increase the recycling service area from Appanoose County to also serve the Counties of Wayne, Lucas, and Monroe Counties currently without comprehensive recycling programs. The applicant will process and market materials collected within the 4 county area. The collection program is primarily a voluntary drop-off program throughout the 4 county area with some existing curbside programs and more anticipated. Grant funds are requested for equipment, wages, operating expenses, construction, and drop-off-trailers.

Rathbun Area Solid Waste Management Commission received a previous grant for \$107,350 during the June 1992 grant round for the purpose of establishing a recycling center serving eleven cities in Appanoose County, the City of Seymour in Wayne County and the City of Princeton in Missouri. The current project will expand the service area by accepting recyclables from all of three additional counties and result in a substantial increase in landfill diversion.

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**Spectrum Industries**  
**Chris Frantsvog**  
**Recycling Coordinator**  
**\$30,690**

The applicant, located in the City of Decorah, Winneshiek County, proposes to implement a recyclables collection program targeting populations with low participation rates, low-income, elderly, and handicapped housing sites and schools in the county. The collection vehicle will transport materials from the target population's place of residence, most often a group-home setting and county schools. The project also involves the purchase of a small baler to process steel cans. The applicant estimates a 100 ton per month increase in materials collected and processed during the first year resulting from this project. Grant request is for the purchase of a collection truck and a baler.

Spectrum Industries received a \$68,380 grant in the Fall of 1990 to establish recycling operations. The proposed project will increase the amount of recyclables recovered by establishing collection at low-income, senior and handicapped housing sites and county schools.

**Walnut Sanitation**  
**LaVonne Wood**  
**Owner**  
**\$5,000**

The City of Walnut, Pottawattamie County applicant, will place 3 collection trailers in 3 towns in eastern Pottawattamie County, the Cities of Walnut, Neola, and Minden. Currently the applicant rotates 1 collection trailer among the 3 communities. The recycling service will be provided to the communities at no charge. The applicant is currently diverting approximately 10 ton per month and estimates an increase with permanent trailers. Total urban population served is 2,305. The applicant will accept plastics (#1 through #6), OCC, clear glass, ONP, office paper, aluminum and metal cans. Materials are taken to Swope Recycling in Atlantic. Grant request is for 3 recycling trailers.

Walnut Sanitation has not received a previous grant.

**Stever City Sanitation, Inc.**  
**Harry Stever**  
**Owner**  
**\$154,539**

The applicant, located in the City of Fairfield, Jefferson County, proposes to collect commercial generated materials for recycling. Currently all OCC collected from commercial accounts is landfilled. No facility located within a reasonable distance has the ability to process the volume of material generated in the commercial sector. Grant funds are requested for the purchase of a baler and conveyor to allow collecting, processing, baling, and marketing of commercial generated paper, OCC, and plastics.

Stever City Sanitation, Inc. has not received a previous grant.

**Stuhr Enterprises, Inc.**  
**Ed Stuhr**  
**Owner**  
**\$46,888**

The company, located in the City of Wilton, Muscatine County, will burn their wood waste for heat during the heating season. The company manufactures tool handles, knife handles and other wood accessories. Currently, wood waste is stockpiled on-site. Grant funds are requested for the waste wood burner.

Stuhr Enterprises, Inc. has not received a previous grant.

**Buena Vista County Solid Waste Commission**  
**Ellsworth Jeppeson**  
**Manager**  
**\$90,830**

The Buena Vista County applicant is looking to expand the existing recycling center and purchase equipment. The project involves Cherokee County and the City of Fonda (Pocahontas County) transporting their waste paper to the facility in Buena Vista County. Waste paper will either be baled and marketed, processed into animal bedding, or composted. The project's goal is to reduce the amount of paper waste from entering the landfills by an additional 4,949 tons annually for a total of 12,802 tons per year (7,853 tons from B.V. County, 4,652 tons from Cherokee Co. and 297 tons from City of Fonda). Buena Vista County Solid Waste Commission has not received a previous grant.

**Delaware County Solid Waste Disposal Commission**  
**Doug Reed**

**Recycling Coordinator**  
**\$155,010**

The applicant located in the City of Manchester, proposes to expand the current recycling center and purchase additional equipment with grant assistance. Facility expansion is necessary to safely and efficiently process and store greater volumes of recyclables to realize better returns from the market. Additional processing equipment is desired to efficiently handle increased amounts of OCC, targeting the commercial sector for collection.

Delaware County Solid Waste Disposal Commission previously received a \$110,363 grant during the June 1991 grant round to improve recycling center operations. The proposed project will expand and improve efficiency and safety of the recycling center and will increase the amount of recyclables recovered with emphasis in the commercial sector.

**Howard County Dept. of Solid Waste Management**  
**Craig Fencil**  
**Director**  
**\$146,214**

The applicant, located in Cresco, is looking to expand and improve efficiency of the existing recycling program by renovating and laying cement in the existing building and purchasing additional equipment. The project proposes to target commercial sector generated solid waste for collection and processing. The recycling center is currently processing 100 tons per month. With the proposed project would be in a position to accommodate additional materials with the ability to process up to 200 tons per month. Recyclables are coming from Howard, Winneshiek, and Clayton Counties.

The applicant received a \$104,971 grant during the December 1992 grant round to expand the existing recycling center. The proposed project will improve operating capacity and efficiency of the center.

**Lee Anderson**  
**Recycled Plastics Industries, Inc.**  
**Owner**  
**\$150,000**

The applicant is proposing to locate a plastics manufacturing facility in the City of Cresco, Howard County. The facility will serve as a market for post-consumer HDPE and will initially manufacture dimensional lumber and assemble products. Grant funds are requested for the purchase of equipment. The project will impact northeast Iowa and MRF's located throughout the state.

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Recycled Plastics Industries, Inc. has not received a previous grant.

**Neil Oelhart**  
**Advanced Tool and Plastics Engineering, Inc.**  
**Owner**  
**\$81,000**

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The applicant is proposing to expand the product line of an existing plastic injection molding company and increase the use of recycled HDPE. The applicant is located in the City of Glenwood, Mills County. Grant funds will be used for the tooling necessary to expand the product line. The project could impact the entire state as a recycled plastics market and through product sales.

Advanced Tool and Plastics Engineering, Inc. has not received a previous grant.

**Bob Walters**  
**Iowa Gold Distributing Company**  
**Owner**  
**\$123,972**

The applicant, located in the City of Alburnett, Linn County, is proposing to expand the existing oil filter recycling and oil reclamation operation. Grant assistance is requested for equipment purchase. Oil filter collection and waste oil reclamation and recycling services are currently provided statewide.

Iowa Gold Distributing Company has not received a previous grant.

Ms. Hay reviewed the grant applications. She noted that information is included on which recipients have received previous grants.

Terrance Townsend asked why Davenport would be receiving a grant for residential curbside recycling when there are a number of cities doing this at taxpayers expense.

Ms. Hay responded that a number of cities and counties have received grants for these types of projects through this program as it was designed to provide funding for alternatives to landfilling materials.

Brief discussion followed regarding problems encountered at regional recycling centers located near the state borders.

<b>INFORMATIONAL ONLY</b>
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## MONTHLY REPORTS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Enforcement Status Report
5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

IOWA DEPARTMENT OF NATURAL RESOURCES  
ENVIRONMENTAL PROTECTION COMMISSION  
RULEMAKING STATUS REPORT  
September 1, 1994

PROPOSAL	NOTICE TO COMMISSION	NOTICE PUBLISHED	RULES REVIEW COMMITTEE	HEARING	FINAL SUMMARY TO COMMISSION	RULES ADOPTED	RULES PUBLISHED	RULES REVIEW COMMITTEE	RULE EFFECTIVE
1. Ch. 20, 21, 22, 23 - Air Quality Rule Updates	5/16/94	6/22/94	7/13/94	7/22/94	9/19/94	*9/19/94	*10/12/94	*11/08/94	*11/16/94
2. Ch. 20, 31 - AQ General Conformity in Nonattainment Areas	9/19/94	*10/12/94	*11/08/94	*11/ /94 5/24/94 5/25/94 5/26/94	*12/19/94	*12/19/94	*1/18/95	*2/14/95	*2/22/95
3. Ch. 22 - Voluntary Permits - Air Quality	3/21/94	4/13/94	5/11/94	5/26/94	9/19/94	*9/19/94	*10/12/94	*11/08/94	*11/16/94
4. Ch. 23 - Open Burning	6/20/94	7/20/94	8/09/94	*8/22/94	*10/17/94	*10/17/94	*11/09/94	*12/13/94	*12/14/94
5. Ch. 40, 43 - Water Supply Permit Fees	9/19/94	*10/12/94	*11/08/94	*11/ /94	*12/19/94	*12/19/94	*1/18/95	*2/14/95	*2/22/95
6. Ch 42 - Laboratory Certifications	*10/17/94	*11/09/94	*12/13/94	*12/ /95	*1/23/95	*1/23/95	*2/15/94	*3/14/95	*3/22/95

\* Projected

MONTHLY VARIANCE REPORT						
Month: August, 1994						
No.	Facility	Program	Engineer	Subject	Decision	Date
1.	City of Albia	Wastewater Construction	Garden & Associates	Manhole Spacing	Approved	08/15/94
2.	City of Eddyville	Wastewater Construction	IIW Engineers & Surveyors	Chlorine Contact Tank	Approved	08/29/94
3.	Iowa National Guard - Johnston	Flood Plain	Shuck-Britson, Inc.	Freeboard	Approved	08/03/94

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During the period August 1, 1994, through August 31, 1994, reports of 79 hazardous conditions were forwarded to the central office. Two incidents are highlighted below. A general summary and count by field office is attached. This does not include releases from underground storage tanks, which are reported separately.

08/05/94 Pottawattamie	A pressure relief valve blew off when a main valve cracked. 50 gallons of aviation gas was spilled onto the ground at the PL terminal when a sump recovery pit overflowed. No waterways were impacted.	Williams Brothers PL 10200 W 75 Street Shawnee Mission, KS	Contaminated soil was excavated and land applied on the terminal facility property.
08/21/94 Jefferson	A line connected to an anhydrous ammonia tank began leaking and released approximately 50 pounds of ammonia to the atmosphere. A large vapor cloud formed due to the high humidity and low wind velocity.	L & W Service PO Box 218 Columbus Junction, IA	Facility employees bled the line into a tank of water. The local fire department evacuated a nearby trailer court for about 1.5 hours until the plume dissipated. No injuries were reported.

Substance					Mode					
Month	Total Incidents	Petroleum Product	Agri - Chemical	Other Chemicals and Substances	Handling and Storage	Pipeline	Highway Incident	RR Incident	Fire	Other
October	56(83)	37(54)	6(8)	13(21)	34(51)	0(0)	20(25)	0(2)	0(0)	2(5)
November	52(74)	34(46)	3(7)	15(21)	30(38)	3(1)	14(26)	0(0)	1(0)	4(9)
December	41(67)	30(41)	2(9)	9(17)	23(37)	0(2)	14(28)	2(0)	0(0)	2(0)
January	67(61)	47(47)	3(0)	14(17)	38(37)	1(1)	23(21)	2(1)	2(0)	1(6)
February	57(61)	38(47)	3(0)	16(14)	29(32)	2(1)	22(21)	2(1)	0(0)	2(6)
March	69(71)	42(46)	6(4)	21(21)	44(45)	0(2)	14(21)	2(1)	3(1)	6(1)
April	88(90)	39(58)	33(12)	16(20)	50(55)	0(1)	29(29)	2(1)	0(1)	3(7)
May	75(103)	28(56)	29(24)	18(23)	38(57)	5(3)	22(30)	2(2)	3(8)	5(3)
June	74(103)	39(56)	23(24)	12(23)	51(57)	0(3)	18(30)	2(2)	0(8)	3(3)
July	79(100)	51(61)	9(14)	19(25)	54(64)	2(2)	19(28)	1(1)	1(0)	2(5)
August	79(98)	55(70)	7(7)	17(21)	54(61)	1(0)	18(31)	0(2)	2(0)	4(5)
September										

Total Number of Incidents Per Field Office This Period:

(numbers in parentheses for the same period in fiscal year '93)

1	2	3	4	5	6
26	13	4	10	14	12

#### REPORTS OF RELEASES FROM UNDERGROUND STORAGE TANKS

During the period of August 1, 1994 through August 31, 1994, the following number of releases from underground storage tanks were identified.

16 (17)

The number in parentheses represents the number of releases during the same period in Fiscal Year 1993.

## NUMBER OF LUST CLEANUPS COMPLETED

During the period of August 1, 1994 through August 31, 1994, the following number of LUST cleanups were completed:

14 (747)

The number in parentheses represents the total number of LUST cleanups through August 31, 1994.

## NUMBER OF LOW RISK SITES APPROVED

During the period of August 1, 1994 through August 31, 1994, the following number of low risk sites were approved:

15 (405)

The number in parentheses represents the total number of low risk LUST sites through August 31, 1994.

## Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Jay Anderberg and Diane McKellip, Belmond (2)	Underground Tank	Closure Investigation	Order	8/02/94
Rolling Hills Mobile Home Park, Nevada (5)	Wastewater	Monitoring/Reporting	Order/Penalty \$1,000.00	8/05/94
Plantation Village Mobile Home Park, Burlington (6)	Wastewater	Monitoring/Reporting	Order/Penalty \$1,000.00	8/05/94
Crabtree Lake Resort, Rhodes (5)	Wastewater	Monitoring/Reporting	Order/Penalty \$5,400.00	8/05/94
Atlantic, City of (4)	Wastewater	Discharge Limits	Order	8/05/94
Fernald Water Supply, Nevada (5)	Drinking Water	Monitoring/Reporting-Lead, Copper; Public Notice	Order/Penalty \$200.00	8/05/94
Rome, City of (6)	Drinking Water	Monitoring/Reporting-Lead, Copper; Public Notice	Order/Penalty \$550.00	8/05/94
American Coals Corp., Site No. 5, Marion Co. (5)	Solid Waste	Illegal Disposal;	Order/Penalty \$10,000.00	8/05/94
Craig Wood, Rudd (2)	Air Quality	Fugitive Dust	Order/Penalty \$1,500.00	8/05/94
Yarmouth Elementary School Mediapolis (6)	Drinking Water	Monitoring/Reporting-Lead, Copper; Public Notice	Order/Penalty \$375.00	8/05/94
David Schultz, Luana (1)	Wastewater	Prohibited Discharge	Order/Penalty \$2,000.00	8/05/94
Dave Clark, Olin (1)	Hazardous Condition Wastewater	Failure to Notify; Prohibited Discharge	Order/Penalty \$2,169.00	8/05/94
Kenwick, City of (6)	Drinking Water	Monitoring/Reporting-Lead, Copper; Public Notice	Order/Penalty \$550.00	8/05/94



Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Milligan Bros. Transport, Inc., Baxter (5)	Underground Tank	Illegal Deposit	Order/Penalty \$1,500.00	8/05/95
Thomas Scheetz d/b/a The Depot Food N' Fuel, Oxford (6)	Underground Tank	Site Assessment	Order/Penalty \$2,300.00	8/05/94
William Jensen d/b/a B & B Tire and Oil Co., Avoca (4)	Underground Tank	Site Assessment	Order/Penalty \$2,300.00	8/05/94
Elmer Faust d/b/a Faust Garage and Grocery, Delaware (1)	Underground Tank	Site Assessment	Order/Penalty \$2,300.00	8/05/94
Relative, Inc.; Doug Smuck, Des Moines (5)	Underground Tank	Insurance Violation	Order/Penalty \$3,070.00	8/05/94
Relative, Inc.; Doug Smuck, Des Moines (5)	Underground Tank	Site Assessment	Order/Penalty \$600.00	8/05/94
Geils Oil Co.; Lawrence P. Geils, Donnelson (6)	Underground Tank	Site Assessment	Order/Penalty \$3,200.00	8/05/94
H.E.W., Inc. a/ka Hazardous Environmental Waste, Inc., a/k/a Algona Roofing and Insulation, Inc., Algona (2)	Air Quality	Asbestos	Order/Penalty \$5,000.00	8/09/94
Economy Maintenance Systems, Inc., Camanche (6)	Air Quality	Asbestos	Order/Penalty \$500.00	8/09/94
AMPC, Lytton (3)	Wastewater	Operational Violations	Referred to AG	8/10/94
Hidden Valley Mobile Home Court, Fairfield (6)	Drinking Water	Monitoring/Reporting-Lead, Copper; Public Notice	Order/Penalty \$200.00	8/12/94
Batavia, City of (4)	Drinking Water	Monitoring/Reporting-Lead, Copper; Public Notice	Order/Penalty \$650.00	8/12/94
Buffalo Bill Estates, Clinton Co. (6)	Drinking Water	Monitoring/Reporting; MCL - Bacteria	Referred to AG	8/15/94
Hennings Farms Corp., Benton Co. (1)	Wastewater	Prohibited Discharge	Order/Penalty \$2,000.00	8/19/94
Oxford, City of (6)	Drinking Water	Monitoring/Reporting-Lead, Copper; Public Notice	Order/Penalty \$100.00	8/19/94
Western Hills Light and Water, Algona (2)	Drinking Water	Monitoring/Reporting-Lead, Copper; Public Notice	Order/Penalty \$100.00	8/19/94
Western Hills Mobile Home Estates, Coralville (6)	Drinking Water	Monitoring/Reporting-Lead, Copper; Public Notice	Order/Penalty \$100.00	8/19/94
Bankston, City of (1)	Drinking Water	Monitoring/Reporting-Lead, Copper; Public Notice	Order/Penalty \$550.00	8/19/94
Suburban Utilities, Davenport (6)	Drinking Water	Monitoring/Reporting-Lead, Copper;	Order/Penalty \$100.00	8/19/94
Chicago and North Western Transportation, Clay Co. (3)	Wastewater Solid Waste	Prohibited Discharge; Illegal Disposal	Order/Penalty \$10,000.00	8/19/94
Ryan Construction Co. and Ryan Highlander, L.C. a/ka Ryan Co., Cedar Rapids (1)	Air Quality	Asbestos	Order/Penalty \$6,000.00	8/24/94
Haasco, Ltd., Dyersville (1)	Air Quality	Asbestos	Order/Penalty \$500.00	8/24/94
Jim Foust, Indianola (5)	Solid Waste	Illegal Disposal	Order/Penalty \$2,175.00	8/24/94
Pioneer, City of (2)	Drinking Water	Monitoring/Reporting-Lead, Copper; Public Notice	Order/Penalty \$100.00	8/24/94
Gloeckners Subdivision, Graf (1)	Drinking Water	Monitoring/Reporting-Lead, Copper; Public Notice	Order/Penalty \$100.00	8/24/94

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Marvin Kruse d/b/a K & C Feeds (Luana)	UT	300	12-01-92
Don Grell d/b/a Dodge Enterprise (Ft. Dodge)	AQ	10,000	2-16-93
Duane Pospisil d/b/a Duane's Service (Lisbon)	UT	1,000	5-04-93
Franklin Raymond (Pacific Junction)	UT	300	7-07-93
Eddie Hemmer (Jones County)	AQ/SW	600	8-01-93
*Delano's Lounge (Washington)	WS	425	9-01-93
Melvin Foubert d/b/a Mel's Repair Service (What Cheer)	UT	400	12-13-93
Richard Waugh d/b/a Dick's Apco Car Wash (Hampton)	UT	885	12-13-93
Stan Simmer d/b/a Tire City (Des Moines)	UT	600	12-21-93
*63-80 Cafe (Moore Oil Co.) (Malcom)	WS	200	1-20-93
William Hatch d/b/a R & R Convenience Store (Central City)	UT	2,480	2-28-93
K-Service, Inc.; Kirkendall Enterprises, et.al. (Sloan)	UT	1,440	2-28-94
Kurt & Mary Marzofka; John & Shirley Riordan (Sabula)	UT	500	3-31-94
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	4-22-94
Ida Grove Farm Supply Co. d/b/a Double Circle Farm Supply Co. (Galva)	UT	2,300	5-15-94
Leland Koster and Jim Koster (Alexander)	UT	350	6-11-94
Kennedy Car Kleen (Fairfield)	WW	1,000	6-12-94
Dennis Malone & Joanne Malone (Morning Sun)	UT	600	6-16-94
The Heights (Monticello)	WS	670	6-23-94
*Phil McMains d/b/a MEDA (Moulton)	AQ	600	7-01-94
*Home Asbestos & Lead Abatement Services (Johnston)	AQ	450	7-02-94
Giese Construction Co.; William Giese (Ft. Dodge)	UT	600	7-19-94
King Transfer, Ltd.; George B. King (Onawa)	UT	2,400	7-20-94
James William Smith (Graettinger)	UT	300	7-23-94
Hidden Valley Mobile Home Court (Washington Co.)	WS	200	7-25-94
Jack Thiel, Inc. (Remsen)	UT	300	7-26-94
*Terry Bealird d/b/a Curry Environ. Services (Marion)	AQ	3,500	8-01-94
McCarthy Homeowners Assn. (LeClaire)	WS	275	8-20-94
Lake Okoboji United Methodist Camp (Spirit Lake)	WS	275	8-20-94
Shermans Water & Road, Inc. (Decorah)	WS	275	8-20-94
North Coralville Lake Manor (Solon)	WS	275	8-21-94
Central Water Works (Fort Dodge)	WS	275	8-21-94
Blanchard, City of	WS	275	8-22-94
Licht Trailer Court (Dubuque)	WS	275	8-22-94
Martin Subdivision (Iowa City)	WS	275	8-22-94
Walnut Grove Water Company (Buffalo)	WS	275	8-23-94
Crawford Flats, Ltd. (Denison)	WS	275	8-25-94
John Morrell & Company (Sioux City)	WS	1,000	8-27-94
Pacific Junction, City of	WS	1,000	8-27-94
Plantation Village Mobile Home Park (Burlington)	WS	550	8-27-94
Birmingham, City of	WS	550	8-28-94
Dakota Mobile Home Park (Iowa City)	WS	550	8-28-94
Holland, City of	WS	550	8-28-94
Webb, City of	WS	550	8-28-94
Denmark Municipal Water Supply (Denmark)	WS	275	8-28-94
Eagle Lane Corporation (Blue Grass)	WS	275	8-28-94
Hide-A-Way Manor (Cedar Rapids)	WS	550	8-25-94
Woodburn, City of	WS	550	9-01-94
Coralville Lake Terrace Assn. (North Liberty)	WS	100	9-01-94
Forest Manor Subdivision (Bettendorf)	WS	275	9-02-94
Ledges Water District (Boone)	WS	500	9-05-94
Verde Water Company-Table Mound #2-Well #1 (Dubuque)	WS	550	9-08-94
Midway Water & Lighting (Marion)	WS	550	9-11-94
Green Acres Mobile Home Village I (Evansdale)	WS	125	9-13-94
The Marley Pump Co. (Davenport)	WS	125	9-14-94
RHCL School (Luxemburg)	WS	110	9-14-94
Linn Hollow Mobile Home Park (Washington)	WS	110	9-14-94
Lloyds Mobile Home Park (Low Moor)	WS	500	9-14-94
Twin View Heights (Solon)	WS	110	9-14-94
Kalo Well Company (Otho)	WS	110	9-14-94
Willey, City of	WS	110	9-14-94
Bill Dettman d/b/a Dettman Oil Co. (Fonda)	UT	2,800	9-15-94
Verde Water Company-Table Mound #1-Well #1 (Dubuque)	WS	900	9-19-94
Trout Valley 2nd Addition (Bettendorf)	WS	125	9-19-94
Orrie's Supper Club, Inc. (Hudson)	WS	275	9-19-94
Kilpeck Mobile Home Park (Muscatine)	WS	275	9-23-94
Immanuel Lutheran Church and School (Readlyn)	WS	275	9-23-94
John Morrell and Company (Sioux City)	WS	1,000	9-25-94
Sunshine Homes, Inc. (Atlantic)	WS	275	9-25-94
Scenic View Estates (Decorah)	WS	375	9-29-94
Rayburn Court for Mobile Homes (Mason City)	UT	1,500	10/11/94
Milligan Bros. Transport, Inc. (Des Moines)	UT	3,070	10/11/94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10/11/94
Relative, Inc.; Doug Smuck (Des Moines)	WW	5,400	10/11/94
Crabtree Lake Resort (Rhodes)	SW/AQ	10,000	10/11/94
American Coals Corporation-Site #5 (Bussey)	AQ	1,500	10/11/94
Craig Wood (Rudd)	WS	550	10/11/94
Keswick, City of			
H.E.W., Inc. a/k/a Hazardous Environmental Wastes, Inc., a/k/a Algona Roofing & Insulation, Inc. (Algona)	AQ	5,000	10/12/94
Elmer R. Faust d/b/a Faust Garage & Grocery (Delaware)	UT	2,300	10/12/94
Yarmouth Elementary School (Mediapolis)	WS	375	10/12/94
Rome, City of	WS	550	10/13/94
Fernald Water Supply (Nevada)	WS	200	10/15/94
Batavia, City of	WS	650	10/17/94
Geills Oil Company; Lawrence P. Geills (Donnellsen)	UT	3,200	10/18/94
David Schultz (Clayton Co.)	WW	2,000	10/23/94
Western Hills Light and Water (Algona)	WS	100	10/24/94
Oxford, City of	WS	100	10/25/94
Hennings Farms Corp. (Benton Co.)	WW	2,000	10/25/94
Suburban Utilities (Davenport)	WS	100	10/25/94
Chicago & North Western Transportation Co. (Clay Co.)	WW/SW	10,000	10/25/94
Western Hills Mobile Home Estates (Coralville)	WS	100	10/26/94
Jim Foust (Indianola)	SW	2,175	10/26/94
Ryan Construction Co. aka Ryan Companies (Cedar Rapids)	AQ	6,000	10/26/94
Pioneer, City of	WS	100	10/26/94

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Haasco, Ltd. (Dyersville)  
 Gloeckners Subdivision (Graf)  
 American Demolition Corp. of Iowa (Cedar Rapids)  
 Edward Bodensteiner (Des Moines)  
 Plantation Village Mobile Home Park (Burlington)  
 Bankston, City of

AQ	500	10/29/94
WS	100	10/30/94
AQ	6,000	-----
UT	3,200	-----
WW	1,000	-----
WS	550	-----

on Minutes

TOTAL 126,035

The following cases have been referred to the Attorney General:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
OK Lounge (Marion)	WS	448	11-01-87
Richard Davis (Albia)	SW	1,000	2-28-88
Eagle Wrecking Co. (Pottawattamie Co.)	SW	300	5-07-89
*Twelve Mile House (Bernard)	WS	119	5-20-89
	SW	425	6-19-89
*Lawrence Payne (Ottumwa)	SW	1,000	10-01-89
William L. Bown (Marshalltown)	AQ/SW	460	2-12-90
Wellendorf Trust (Algona)	SW	669	3-05-90
Donald P. Ervin (Ft. Dodge)	SW	1,000	9-02-90
Gerald G. Pregler (Dubuque Co.)	AQ/SW	1,000	9-06-90
Donald R. Null (Clinton Co.)	SW	1,000	3-04-91
Robert and Sally Shelley (Guthrie Center)	SW	950	4-11-91
Fred Varner (Worth Co.)	WS	245	6-13-91
Honey Creek Camping Resort (Crescent)			
F.R. Thomas/F.R. Thomas, Jr. d/b/a Clair View Acres Store (Delhi)	WS	1,000	8-04-91
	WW	200	8-21-91
*M & W Mobile Home Park (Muscatine)	SW	690	9-15-91
Vern Starling (Boone Co.)	SW	300	11-07-91
Lloyd Dunton (Iowa Co.)	UT	300	1-12-92
Vernus Wunschel d/b/a Wunschel Oil (Ida Grove)	SW	300	4-27-92
Kenneth Bode (Mills Co.)	UT	600	5-21-92
V.R. Dillingham d/b/a Barb's Service (Everly)	WS	405	6-03-92
Tandem Oak Park Associates (Ft. Dodge)	AQ	250	8-15-92
Dick White (Washington County)	AQ	500	11-09-92
Rankin Roofing & Siding Co. (Knoxville)	SW	1,000	1-23-93
Tony Hoyt d/b/a Lake Wilderness (Lee Co.)	UT	600	5-02-92
Bernard Gavin Veterinary Clinic (Wellsburg)	UT	1,000	1-25-93
Tim Sharp (Newton)	UT	300	1-25-93
Jack Link Truck Line, Inc. (Dyersville)	UT	300	2-10-93
David Young d/b/a Sierp Oil Co. (Casey)	UT	1,000	8-03-92
Carson Grain & Implement (Coggon)	UT	300	7-06-93
Dale Hall d/b/a Hall Oil Co. (Des Moines)	UT	300	7-07-93
Robert Bodwell (Winterset)	SW	500	11-01-93
Richard Newman (Des Moines Co.)	UT	1,560	12-25-93
Louis Saak d/b/a Saak Oil Co. (Baxter)	UT	600	3-31-94
Smith Oil Co.; Franklin Smith (Mt. Ayr)	WS	1,700	3-14-94
Carter Lake, City of	UT	1,272	4-04-94
Jay Browns d/b/a Browns Service (Murray)	SW	1,000	4-07-94
Verna and Don Reed; Andrea Silsby (Union Co.)	WS	1,000	6-18-94
Buffalo Bill Estates, Inc. (Clinton Co.)			

TOTAL 24,318

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Sioux City, City of	WW	1,000
Des Moines, City of	HC	1,000
Van Dusen Airport Services (Des Moines)	HC	1,000
Joe Eggers, Jr., et.al. (St. Ansgar)	SW	1,000
McDowell Dam #1 (Lee Co.)	FP	500
McDowell Dam #2 (Lee Co.)	FP	500
Oskaloosa Food Products Corp. (Oskaloosa)	WW	1,000
Wiota, City of	WS	500
Hickory Hollow Water Co. (Ankeny)	WS	400
White Consolidated/Frigidaire Co. (Jefferson)	WW	1,000
Wayne Transportation, Inc. (Greene)	WW	1,000
Mulgrew Oil Company (Dubuque)	HC	500
John Staub d/b/a Mr. Convenient (Burlington)	UT	600
Charles Kerr (Sloan)	UT	600
Stringtown Country Cafe (Lenox)	WS	1,000
Lincoln Farm and Home Service (Henderson)	WW	1,000
Chickasaw Co. SLF, et.al. (Chickasaw Co.)	SW	1,000
Plymouth Cooperative Oil Co. (Hinton)	WW	1,000
LaVerne Rehder (Union)	UT	300
Randy Bonin/Vickie Brannick (Hardin Co.)	SW	500
Dean Hoeness d/b/a Hoeness & Sons (Winterset)	UT	300
Decatur, City of	UT	600
Case Power and Equipment (Decorah)	WS	500
King's Terrace Mobile Home Court (Ames)	WW	500
ITWC, Inc. (Malcom)	AQ	1,000
Lloyd Decker (Floyd Co.)	SW	1,000
Eldon Krambeck (Scott Co.)	AQ	1,000
Waucoma, City of	WS	200
Tracy Below (Hardin Co.)	WW	1,000
Grand Laboratories, Inc. (Larchwood)	WW	1,000
Frank Hulshizer (Benton Co.)	SW	500
Chicago/Northwestern Transp. Co. (Council Bluffs)	HC	1,000
Pirelli Armstrong Tire Corp. (Polk Co.)	SW	1,000
Midway Oil Co. (Indianola)	UT	300
Raven Corp. & Midway Oil Co. (Toledo)	UT	600
TRS Industries, Inc.; City of Des Moines (Des Moines)	SW	3,000
Land Renu, Inc. (Rockwell City)	SW	1,000
LeMars, City of	WW	5,000
Fine Oil Co.; John and Diane Fine (Appanoose Co.)	AQ/HC/WW	10,000
Economy Solar Corp. (Monticello)	AQ	100
Phil McMains (Appanoose Co.)	SW	4,000

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Crane Co. d/b/a Crane Valves (Washington Co.)	SW	500
Donald Udell (Plymouth Co.)	SW	1,000
Daisy H. Gridley Conservatorship, et.al. (Union Co.)	SW	1,000
Mel-Ray Mobile Home Park (Ankeny)	WW	500
Thomas L. Burt, et. al. (Butler Co.)	SW	1,000
Oakwood Park Water, Inc. (Ankeny)	WS	1,000
U.S. Dept. of Defense (Sioux City)	UT	5,720
Blue Spruce Feedlots, Inc. (Pottawattamie Co.)	WW	5,000
Valley Restaurant/Sierp Oil/Mary & Carl Sierp (Villisca)	UT	5,000
Valley Restaurant/Sierp Oil/Robert Radford (Villisca)	UT	2,300
Trust Trucking Corp.; Jim and Brenda Huyser (Lovilia)	UT	840
Orlo Stewart, et.al. (Webster Co.)	SW	1,000
Porcine-New Way Co.	WW	4,000
J.P. Scherrman, Inc. (Farley)	UT	1,160
Walnut Grove Water Company (Davenport)	WS	2,000
Lester D. Davis & Evelyn McKelvogue (Warren Co.)	AQ/SW	5,000
Waverly Gravel & Ready-Mix aka Shell Rock Sand & Gravel (Shell Rock)	AQ	3,000
Anderson Excavating & Wrecking Co. (Waterloo)	AQ	1,000
Farmers Hybrid Companies, Inc. (Keokuk Co.)	WW	4,500
L.F. & Betty Everett; Vern Barker & Donald Knotts, d/b/a Barker & Knotts Construction; and Gene Philips (Ottumwa)	AQ	10,000
Eli Shada (Anamosa)	UT	1,328
James and Robert Brock d/b/a B & B Oil (Ringsted)	UT	1,685
M and D Tire Processing, Inc. (Decatur Co.)	SW	10,000
Merrill, City of	AQ	5,000
Harold Lee (Keokuk Co.)	WW	3,300
Riverside Plating Company (Shell Rock)	WW	1,500
Economy Solar Corp. (Monticello)	AQ	5,000
Lyle Lorensen (Garwin)	HC	4,000
Technical Asbestos Control, Inc. (Davenport)	AQ	1,000
Toys "R" Us, Inc. (Davenport)	UT	5,560
Coastal Mart, Inc.-Store #1081 (Davenport)	UT	5,320
John Deere Company (Waterloo)	AQ	1,000
Enviro Safe Air, Inc. (Sioux City)	AQ	2,000
Waste Management & Design, Inc. (Webster City)	WW	10,000
Parkwest, Ltd.; Wilbur Numelin; Ricky Lee Anderson (Clear Lake)	UT	2,280
Country Stores of Carroll, Ltd.; Roger Kanne (Carroll)	UT	10,000
Elite, Ltd.; Roger Kanne; James Pietig (Coon Rapids)	UT	3,500
Elite, Ltd.; Roger Kanne; James Pietig (Logan)	UT	3,288
HiWay Texaco, Ltd.; Roger Kanne; Rick Kanne (Bagley)	UT	5,000
Solvay Animal Health, Inc. (Charles City)	AQ/SW	5,000
Iowa-Illinois Thermal Insulation; American Demolition Corp. (Cedar Rapids)	AQ	6,000
Arlo Becker d/b/a Becker's Auto Salvage (Benton Co.)	AQ	3,000
Galva Union Elevator Co. (Galva)	UT	3,100
Farmers Hybrid Companies, Inc. (Hamilton Co.)	WW	5,000
Sara Lee Corporation (New Hampton)	WW	10,000
Creston Commercial Feeders, Inc. (Union Co.)	WW	1,000
Creston, City of	WW	1,000
Clarke County Sanitary Landfill	SW	10,000
New Hampton, City of	WW	10,000
Joseph L. Ranker; Daryl Hollingsworth (Indianola)	UT	4,000
Larry and Kelly Miller (Ogden)	UT	2,000
K-Mart Corporation/Store #7261 (Des Moines)	UT	6,000
Frontier Cooperative Herbs (Vinton)	AQ	5,000
R.D.J. Farms; Donald Vogt (Van Horne)	UT	1,300
Home Oil Stations; Otto-Matic; Larence Otto (Burlington)	UT	3,000
Winfield S. McKinney; Gary L. McKinney (Union Co.)	WW	1,000
Pella Construction Co., Ltd. (Pella)	WW	10,000
Louisa-Muscatine Community School (Letts)	WS	1,000
Cotter Elementary School (Cotter)	WS	550
Dickens, City of	WS	550
Colesburg, City of	WS	550
Tom Wiseman (Sheffield)	UT	3,500
Woodlyn Hills (Algona)	WS	275
Lakewood Utilities (Ft. Dodge)	WS	550
Village Oaks Homeowners Assn. (Blue Grass)	WS	550
Nishna Valley Community School (Hastings)	WS	500
Pathway Christian School (Kalona)	WS	275
South High Point Well Assn. #2 (Iowa City)	WS	110
Louis Rich Company (Sigourney)	WS	500
Pleasant Creek Estates Assn. (Shellsburg)	WS	275
Kessler's Homeowners Assn. (Iowa City)	WS	275
Iowa City Regency Mobile Home Park (Iowa City)	WS	1,000
Woodburn, City of	WS	550
Cherry Hills Homeowners Assn. (Iowa City)	WS	275
Edinburgh Manor (Anamosa)	WS	200
Windy Ridge Well Assn. (Lisbon)	WS	110
Karl and Thelma Boylan d/b/a Boylan's Service (Northboro)	UT	1,800
Thomas M. Scheetz d/b/a The Depot Food N' Fuel (Oxford)	UT	2,300
Rolling Hills Mobile Home Park (Nevada)	WW	1,000
William Jensen d/b/a B & B Tire & Oil Co. (Avoca)	UT	2,300
Riverview Estates (Iowa City)	WS	275
<b>TOTAL</b>		<b>290,951</b>

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
*Phil McMains d/b/a MEDA (Moulton)	AQ	200
Yetter, City of	WS	100
Greenfield Plaza Benefited Water District (Des Moines)	WS	200
Cargill, Inc. (Eddyville)	SW/WW	500
Beatrice Cheese, Inc. (Preston)	WS	110
Perry, City of	WW	2,000
Cedar Rapids, City of; YWCA (Cedar Rapids)	AQ	500
J. Wood Park (Garnavillo)	WS	60
Beacon, City of	WS	135
Riverton, City of	WS	100
Hidden Valley Mobile Home Court (Fairfield)	WS	100
Economy Maintenance Systems, Inc. (Camanche)	AQ	500
South English, City of	WS	335
Spring Valley Park/Table Mound Corp. (Dubuque)	WS	200
George Krakow; Elmer Krakow (Marengo)	UT	670
Willow Stream Estates (Eldridge)	WS	100
Woodland Heights Homeowners Assn. (Iowa City)	WS	50
Bar Jac Mobile Home Park (Perry)	WS	50
<b>TOTAL</b>		<b>5,910</b>

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## Environmental Protection Commission Minutes

DEPARTMENT OF NATURAL RESOURCES  
ENVIRONMENTAL PROTECTION COMMISSION  
ATTORNEY GENERAL REFERRALS  
September 1, 1994

Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
AMPC Lytton (3)	New	Wastewater	Operational Violations	Referred to Attorney General	Referred 8/10/94
Achenbach, Mark Rockford (2)	Updated	Underground Tank	Site Assessment	Order	Referred Petition Filed 6/20/94 8/22/94
Advanced Technologies Corp. Cedar Falls (1)	Updated	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed 3/21/94 8/29/94
American Asbestos Training Center, Ltd. Monticello (3)	Updated	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed 3/21/94 8/29/94
American Asbestos Training Center, Ltd. Cedar Rapids (1)	Updated	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed 7/22/94 8/29/94
Ampel Corporation Des Moines (5)		Air Quality	Construction Without Permit Permit Conditions	Referred to Attorney General	Referred Petition Filed Trial Date 12/20/93 2/21/94 10/18/94
Bodwell, Robert Winterset (5)		Underground Tank	Site Assessment	Order/Penalty	Referred Petition Filed 2/21/94 7/21/94
Browns, Jay Murray (5)	Updated	Underground Tank	Site Assessment	Order/Penalty	Referred Petition Filed 6/20/94 8/24/94
Buffalo Bill Estates Clinton Co. (6)	New	Drinking Water	Monitoring/Reporting MCL - Bacteria	Order/Penalty	Referred 8/15/94
Carlson, Don d/b/a Carlson Oil Co. Armstrong (3)		Underground Tank	Site Assessment	Order/Penalty	Referred 3/21/94
Carson Grain & Implement Co. Coggon (1)		Underground Tank	Site Assessment	Order/Penalty	Referred Petition Filed 10/18/93 12/09/93
Carter Lake, City of (4)	Updated	Drinking Water	Monitoring/Reporting; Certified Operator	Order/Penalty	Referred Motion for Judgment Hearing Admin. Penalty Paid (\$1,000 + Interest) 5/16/94 7/12/94 8/01/94 8/30/94
Chicago & Northwestern Transportation Co.  Blue Chip Enterprises  Hawkeye Land Company Iowa Falls (2)	Updated	Hazardous Condition	Remedial Action	Order	Petition for Judicial Review Petition for Judicial Review Petition for Judicial Review Order/Change Venue to Hardin Co. Oral Arguments Order Affirmed Supreme Court Appeals Filed Oral Arguments 8/19/91 8/14/91 9/16/91 11/21/91 3/10/93 4/23/93 5/23/93 9/15/94
Cota Industries, Inc. Des Moines (5)		Hazardous Condition	Remedial Action	Order	Referred Petition for Judicial Review Order Granting Motion to Dismiss Notice of Appeal Affirmed by Supreme Court Petition Filed 4/15/91 4/18/91 7/23/91 8/13/91 10/21/92 4/16/93
Des Moines, City of (5) v. IDNR		Solid Waste	DNR Defendant	Defense	Petition Filed Application for Stay DNR Answer 1/18/94 1/18/94 2/08/94

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# Environmental Protection Commission Minutes

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## DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL PROTECTION COMMISSION ATTORNEY GENERAL REFERRALS September 1, 1994

Name, Location and Region Number		Program	Alleged Violation	DNR Action	New or Updated Status	Date
Dunton, Lloyd Iowa County (6)		Solid Waste	Illegal Disp.	Order/Penalty	Referred Petition Filed	12/16/91 8/26/92
Ecology Enterprises, Inc; Hollis D. DeVoe; Michael Murray; Robert Rausch Chickasaw County (1)		Solid Waste	Illegal Disposal	Referred to Attorney General	Referred Petition Filed Trial Date	6/4/92 3/04/93 10/19/94
Economy Solar Corp Ft. Madison (6)	Updated	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed	3/21/94 8/29/94
Economy Solar Corp Waterloo (1)	Updated	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed	3/21/94 8/29/94
Economy Solar Corp. Cedar Rapids (1)	Updated	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed	7/22/94 8/29/94
Ervin, Don Webster County (2)		Solid Waste	Operation Without Permit	Order/Penalty	Referred Judgment for \$1,000 Execution & Order to Levy Application to Condemn Funds Partial Payment Received (\$331)	4/16/90 7/13/90 9/28/90 11/27/90 11/30/90
			Permit Violations	Referred to Attorney General	Referred Temporary Injunction Order of Contempt Order Granting Stay Contempt Reversed (Court of Appeals) Application for Further Review Supreme Ct. Reversed Ct of Appeals Order to Serve Sentence Application for Hearing Order Denying Reconsideration of Sentence Trial Date	9/16/91 9/18/91 12/20/91 12/26/91 9/29/92 10/16/92 2/17/93 3/17/93 3/18/93 3/19/93 1/10/95
Giese, William Giese Construction Co. Ft. Dodge (2)		Flood Plain Wastewater	Unauth. Construction Prohibited Discharge	Referred to Attorney General	Referred	7/18/94
Hall, Dale Des Moines (5)		Underground Tank	Site Assessment	Order/Penalty	Referred Petition Filed	2/21/94 7/21/94
Halsne, Grant d/b/a Halsne, Inc. Decorah (1)		Underground Tank	Site Assessment	Order	Referred Petition Filed	10/18/93 12/06/93
Harrison County Board of Supervisors (4)		Solid Waste	Operating Violations	Referred to Attorney General	Referred Petition Filed	2/21/94 7/11/94
International Hydroform Pella (5)		Underground Tank	Remedial Action	Order	Referred Petition Filed	5/17/93 1/18/94
Jack Link Truck Line, Inc. Dyersville (1)		Underground Tank	Closure Investigation	Order/Penalty	Referred Petition Filed	5/17/93 1/07/94
Jarvis, Marjorie and Terry Strong Council Bluffs (4)		Underground Tank	Closure Investigation	Order	Referred Petition Filed	11/15/93 2/14/94
Martinez, Vincent d/b/a Martinez Sewer Service Davenport (6)		Hazardous Condition	Remedial Action	Order/Penalty	Referred Petition Filed	2/17/92 12/21/92
Bob McKinnis Excavating & Grading v. IDNR		Hazardous Condition	DNR Defendant	Defense	Suit Filed DNR Motion to Dismiss Ruling on Motion to Dismiss and Bifurcation Ruling on Phase I Trial	3/12/91 5/01/91 3/26/92 9/01/93

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## Environmental Protection Commission Minutes

DEPARTMENT OF NATURAL RESOURCES  
ENVIRONMENTAL PROTECTION COMMISSION  
ATTORNEY GENERAL REFERRALS  
September 1, 1994

Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
McNear, Wilbur; Dennis Stoner, Jack & Betty Hawn (4)	Underground Tank	Site Assessment	Referred to Attorney General	Referred	2/21/94
Moore, Ron d/b/a 63-180 Cafe Malcom (5)	Drinking Water	Mtrg/Rprtng Nitrate; Other	Order/Penalty	Referred Payment Schedule (\$1,000/Admin ) Motion for Judgment	11/16/92 4/02/93 6/30/94
Northwood Cooperative Elevator;  Worth Co. Co-op Oil  Amoco  v. IDNR	Hazardous Condition	DNR Defendant	Defense	Suit Filed DNR Answer Consolidation Order Suit Filed DNR Answer Consolidation Order Suit Filed DNR Answer Consolidation Order	12/07/92 12/28/92 1/05/93 12/07/93 12/28/92 3/10/93 12/15/92 1/04/93 3/10/93
Pringle, Michael and Brenda d/b/a Follet's Tap Camanche (6)	Drinking Water	Mtrg/Rprtng Bacteria/Nitrate	Referred to Attorney General	Referred Petition Filed Consent Decree (\$2,000/Civil & Injunction) Motion to Vacate Judgment Motion Denied	6/15/92 3/05/93 2/04/94 2/16/94 2/28/94
Reed, Verna and Don; Andrea Silsby Union Co. (4)	Updated Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed	6/20/94 8/10/94
Pruess, Harlan Cedar Co. (6)	Hazardous Condition	Clean-Up Costs	Defense	Suit Filed DNR Answer	7/27/93 8/13/93
Saak, Louis d/b/a Saak Oil Co. Baxter (5)	Underground Tank	Site Assessment	Order/Penalty	Referred	3/21/94
Smith, Franklin; Smith Oil Company Mt. Ayr (5)	Underground Tank	Closure Investigation	Order/Penalty	Referred Petition Filed	4/18/94 7/25/94
Starling, Vern Perry (5)	Updated Solid Waste	Illegal Disposal	Order	Referred Petition Filed Judgment (\$1,000/Civil & Injunction)	11/16/92 4/14/93 8/17/94
Troutman, Jerry L. & Richard Van Buren Co. (6)	Solid Waste	Illegal Disposal	Order	Referred Petition Filed	10/18/93 2/15/94
Waterloo, City of (1)	Updated Wastewater	Discharge Limits	Referred to Attorney General	Referred Petition Filed Trial Date	11/15/93 12/30/93 3/13/95
Waterloo Community School District Waterloo (1)	Updated Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed	3/21/94 8/29/94
Yentes, Clifford Council Bluffs (4)	Updated Solid Waste	Illegal Disposal	Referred to Attorney General	Referred Petition Filed Trial Date	4/20/92 11/23/92 10/21/94
Young, David Sierp Oil Company Casey (5)	Underground Tank	Closure Investigation	Order/Penalty	Referred Petition Filed	5/17/93 12/14/93

# Environmental Protection Commission Minutes

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## DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL PROTECTION COMMISSION CONTESTED CASES September 1, 1994

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
1-23-86	Oelwein Soil Service	Administrative Order	WW	-----	Hearing continued.
2-05-88	Warren County Brenton Bank	Administrative Order	UT	Wornson	Awaiting revised SCR.
10-20-88	Worth Co. Co-Op Oil Northwood Cooperative Elevator Sunray Refining and Marketing Co.	Administrative Order	HC	Murphy	Ruling on dismissal/intervention 11/16/92. Petition for Judicial Review. Judicial review hearing continued.
6-08-89	Shaver Road Investments	Site Registry	HW	Murphy	Settlement proposed.
6-08-89	Hawkeye Rubber Mfg. Co.	Site Registry	HW	Murphy	Settlement proposed.
6-08-89	Lehigh Portland Cement Co.	Site Registry	HW	Murphy	Hearing continued. Discovery initiated.
6-22-89	Chicago & Northwestern Transportation Co. Hawkeye Land Co. Blue Chip Enterprises	Administrative Order	HC	Murphy	District court affirms Dept. - 4/23/93. Appealed to Iowa Supreme Court.
10-24-89	Farmers Cooperative Elevator Association of Sheldon	Site Registry	HC	Murphy	Settlement near.
11-03-89	Bridgestone/Firestone, Inc.	Site Registry	HC	Murphy	Hearing continued pending negotiations.
4-23-90	Sioux City, City of	Administrative Order	WW	Hansen	8/94-Follow-up letter to city attorney regarding resolving appeal.
5-08-90	Texaco Inc./Chemplex Co. Site	Site Registry	HW	-----	Settlement proposed.
5-14-90	Van Dusen Airport Services	Administrative Order	HC	-----	Compliance initiated.
5-14-90	Alter Trading Corp. (Council Bluffs)	Administrative Order	SW	Kennedy	Negotiating before filing.
5-15-90	Des Moines, City of	Administrative Order	HC	-----	Hearing continued. Settlement proposed.
6-20-90	Des Moines, City of	NPDES Permit Cond.	WW	Hansen	EPD met with City to resolve appeal issues. Follow-up meeting to be held.
7-02-90	Keokuk Savings Bank and Trust Keokuk Coal Gas Site	Site Registry	HW	-----	Hearing continued.
7-30-90	Key City Coal Gas Site; Murphy Trust & Howard Pixler	Site Registry	HW	-----	Decision appealed (Pixler). Motion to intervene denied 2/17/91 (Murphy Trust)
8-01-90	J.I. Case Company	Site Registry	HW	Preziosi	Hearing continued.
9-12-90	Michael & Joyce Haws; George H. Gronau	Administrative Order	UT	Wornson	New party has assumed liability. Will dismiss case upon completion of SCR.
9-20-90	Duane Schwarting	Variance Denial	SW	Kennedy	Settled.
10-15-90	Westside General Store Corp.	Administrative Order	UT	Wornson	Settlement letter sent to attorney.
10-18-90	Harlan Pruess	Claim	HC	Murphy	Proposed decision - 2/18/93. Appealed to EPC. Affirmed/modified - 6/21/93. Appealed to Cedar County District Court.

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DEPARTMENT OF NATURAL RESOURCES  
ENVIRONMENTAL PROTECTION COMMISSION  
CONTESTED CASES  
September 1, 1994

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
12-03-90	United States Gypsum Co. Smitty's Oil	Site Registry	HC	Preziosi	Negotiating before filing.
12-04-90	United States Gypsum Co. Sperry	Administrative Order	SW	Kennedy	Settled.
12-27-90	McAtee Tire Service, Inc.	Administrative Order	SW	Kennedy	Hearing continued.
1-07-91	Joe E. Eggers, Jr.; Joe and Mary Eggers	Administrative Order	SW	Kennedy	Hearing continued to further order.
1-09-91	Iowa Southern Utilities	Administrative Order	HC	Preziosi	Hearing continued indefinitely. Working towards settlement.
1-28-91	McDowell Dam #1 & #2	Administrative Order	FP	Clark	Negotiating before filing.
3-22-91	Mitchell Bros. Boars and Gilts	Administrative Order	WW	Murphy	Negotiating before filing.
5-09-91	Oskaloosa Food Products Corp.	Administrative Order	WW	Hansen	8/94-Letter to facility regarding resolution of appeal.
5-20-91	Great Rivers Coop--Lockridge	Site Registry	HC	Murphy	Settlement proposed.
7-15-91	Des Moines Independent School District - North High School	Site Registry	HC	Murphy	Settlement proposed.
7-24-91	Alter Trading Corp. (Davenport)	Administrative Order	SW	Kennedy	Negotiating before filing.
7-27-91	Chicago North Western; Dennis Bell; Phillips Petroleum; Amoco Oil Co.	Administrative Order	HC	Murphy	Hearing continued. Compliance nearing completion.
9-25-91	Archer Daniels Midland	Administrative Order	SW	Kennedy	Negotiating before filing.
1-07-92	Wiota, City of	Administrative Order	WS	Hansen	8/94-New well almost complete. Letter to facility regarding resolution of appeal.
1-17-92	Hickory Hollow Water Co.	Administrative Order	WS	Hansen	Settlement offer to WS. Counter offer 7/13/93. Dept. response on 8/3/93. Facility response 8/11/93. 12/93 Dept. letter to attorney. Construction permit issued for fluoride removal. Facility to be installed by 10/30/94.
1-30-92	Center Oil Co., Inc.	Administrative Order	HC	Murphy	Negotiating before filing.
3-30-92	White Consolidated Industries	Administrative Order	WW	Hansen	8/94-Letter to facility's attorney regarding resolution of appeal.
4-09-92	Wayne Transports, Inc.	Administrative Order	WW	Murphy	Negotiating before filing.
4-15-92	Mulgrew Oil Co.	Administrative Order	HC	Wornson	Settlement letter sent 8/31/94.
4-24-92	Charles A. Kerr	Administrative Order	UT	Wornson	Financial inability claimed. Requesting document.
4-30-92	Poweshiek Water Assoc.	Administrative Order	WS	Hansen	8/94-Letter regarding resolution of appeal. City agreed to close appeal.

# Environmental Protection Commission Minutes

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## DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL PROTECTION COMMISSION CONTESTED CASES September 1, 1994

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
5-05-92	Plymouth Cooperative Oil Co.	Administrative Order	WW	Murphy	Negotiating before filing.
5-12-92	Paris & Sons, Inc.	Site Registry	HC	Murphy	Negotiating before filing.
5-15-92	Heartland Lysine, Inc.	Tax Certification	AQ	Preziosi	Negotiating before filing.
5-27-92	Beckett Chevrolet-Olds	Administrative Order	UT	Wornson	Financial inability claimed. Request documents.
6-23-92	Chickasaw County Board of Supervisors, Chickasaw Co. SLF	Administrative Order	SW	Kennedy	Negotiating before filing.
7-01-92	Des Moines Independent School District-North High	Administrative Order	WW	Murphy	Settlement proposed.
8-06-92	Randy Bonin and Vickie Brannick	Administrative Order	SW	Kennedy	Negotiating before filing.
8-24-92	Dean Hoeness d/b/a Hoeness & Sons	Administrative Order	UT	Wornson	Financial inability claimed. Request documents.
9-03-92	Case Power and Equipment	Administrative Order	WS	Hansen	8/26/94-Revised settlement offer received from City.
9-21-92	Buffalo Bill Estates, Inc.	Administrative Order	WS	Clark	Settled.
9-21-92	ITWC	Administrative Order	AQ	Preziosi	Negotiating before filing.
9-22-92	King's Terrace MHP	Administrative Order	WW	Hansen	8/94-Letter to facility regarding resolution of appeal.
10-06-92	Lloyd Decker	Administrative Order	SW	Kennedy	Negotiating before filing.
10-12-92	Eldon Krambeck	Administrative Order	AQ	Preziosi	Settlement close.
11-13-92	Tracy Below	Administrative Order	WW	Clark	Hearing continued.
11-16-92	Grand Laboratories Inc.	Administrative Order	WW	Hansen	Unacceptable revised work plan submitted. Request acceptable plan by 4/29/94. Letter from facility's attorney 4/94. 5/94 letter to F.O. 3 from company regarding submittal of site assessment.
11-16-92	Frank Hulshizer	Administrative Order	SW	Kennedy	Negotiating before filing.
12-14-92	Quantum	Permit Conditions	WW	Hansen	3/30/93 Dept. settlement offer made. 5/03/93 - response from company. Company collecting data. Company response submitted 12/93. EPD to review information regarding permit calculations.
1-22-93	Pirelli Armstrong Tire Co.	Administrative Order	SW	Kennedy	Negotiating before filing.
1-28-93	Midway Oil Company (Indianola)	Administrative Order	UT	Wornson	Sent settlement letter.
1-28-93	Raven Corp.; Midway Oil Co. (Toledo)	Administrative Order	UT	Wornson	Negotiating penalty.

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DEPARTMENT OF NATURAL RESOURCES  
ENVIRONMENTAL PROTECTION COMMISSION  
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September 1, 1994

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
1-29-93	Case Corporation	Permit Conditions	WS	Hansen	8/94-Revised settlement offer received from facility.
2-19-93	TRS Industries, Inc.; City of Des Moines	Administrative Order	SW	Kennedy	Decision received 9/13/93. Appealed to EPC. Affirmed 12/20/93. Petition for judicial review.
3/09-93	James, William d/b/a Bill James Agencies	Administrative Order	SW	Kennedy	Negotiating before filing.
3/11/93	Land Renu, Inc.	Administrative Order	SW	Wornson	Compliance complete. Negotiating penalty.
4/05/93	Mapleton, City of	WW Operator Certification	WW	Hansen	Under review by EPD - letter drafted.
4/09/93	Fine Oil Co., Inc.	Administrative Order	AQ/HC WW	Preziosi	Settlement reached pending submission of certain financial documents.
4/12/93	LeMars, City of	Administrative Order	WW	Hansen	Plan of action submitted. Reviewed by EPD. Construction permit issued. 2/94-Schedule submitted by City for remaining construction.
4/16/93	Phil McMains	Administrative Order	SW	Kennedy	Negotiating before filing.
4/19/93	Council Bluffs, City of	Permit Conditions	WW	Hansen	Under review by EPD.
4/21/93	Donald Udell	Administrative Order	SW	Kennedy	Negotiating before filing.
4/26/93	Crane Co.	Administrative Order	SW	Kennedy	Negotiating before filing.
5/23/93	Fellmer Motors	Administrative Order	FP	Clark	Negotiating before filing.
6/17/93	Lawrence Schmitz, Gerald Schmitz, Duane Schmitz, Vernon Schmitz, and Ruth Ann Frieders	Permit Issuance	FP	Clark	Proposed decision 8/3/94-appealed.
6/21/93	Jacobs Energy Corp., Inc.	Permit Denial	AQ	Preziosi	Negotiating before filing.
6/23/93	Clement Auto & Truck, Inc.	Administrative Order	UT	Wornson	ALJ decision granting default on appeal.
6/29/93	Mel-Ray MHP and Sales	Administrative Order	WW	Clark	Negotiating before filing.
7/06/93 7/28/93	Dennis E. Good Berniece K. Nease	Administrative Order	UT	Wornson	Negotiating before filing.
7/09/93	Oakwood Park Water, Inc.	Administrative Order	WS	Hansen	Proposal by facility's attorney 7/13/93. Response by Dept. 8/3/93. Response by facility 8/11/93. 12/93 Dept. letter to attorney. Construction permit issued 2/94. Facility to be installed by 11/30/94.
7/20/93	Valley Restaurant/Sierp Oil; Mary & Carl Wierp; and Robert Radford	Administrative Order	UT	Wornson	Hearing set for 9/26/94. Request for continuance pending.

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September 1, 1994

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
7/23/93	Blue Spruce Feedlots, Inc.	Administrative Order	WW	Clark	Negotiating before filing.
7/27/93	Trust Trucking Co.	Administrative Order	UT	Wornson	Proposed ALJ decision 8/31/94.
8/03/93	Grain Processing Corp.	Administrative Order	AQ	Preziosi	Area declared nonattainment. Hearing continued indefinitely.
8/06/93	Muscatine Power & Water	Administrative Order	AQ	Preziosi	Area declared nonattainment. Hearing continued indefinitely.
8/06/93	Monsanto	Administrative Order	AQ	Preziosi	Settlement close. Drafting consent order.
8/24/93	Green Valley Chemical	Permit Conditions	WW	Hansen	Company to do stream survey 8/94. Survey completed. Meeting to discuss survey 9/11/94.
9/09/93	Ames Transit Authority	Permit Conditions	AQ	Preziosi	Negotiating before filing.
10/15/93	Bedford, City of	Plant Classification	WW	Hansen	Under review by EPD.
10/25/93	Porcine-New Way Co.	Administrative Order	WW	Clark	Negotiating before filing.
11/04/93	Silver City	Permit Conditions	WS	Clark	Negotiating before filing.
11/15/93	J.P. Scherrman, Inc.	Administrative Order	UT	Wornson	Penalty letter sent.
11/16/93	Iowa Southern Utilities	Permit Conditions	AQ	Preziosi	Settlement close.
11/17/93	Osceola, City of	Permit Conditions	WW	Hansen	Variance request by City regarding monitoring requirements. Under review by EPD.
11/22/93	Walnut Grove Water Co.	Administrative Order	WS	Hansen	Settlement offer sent to company's attorney. Offer accepted. Consent order sent for signatures. 5/94 order issued to facility.
12/13/93	Lester R. Davis and Evelyn McKelvogue	Administrative Order	AQ/SW	Kennedy	Settlement pending.
12/23/93	Waverly Gravel & Ready-Mix aka Shell Rock Sand and Gravel	Administrative Order	AQ	Preziosi	Negotiating before filing.
1/03/94	Farmers Hybrid Co., Inc.	Administrative Order	WW	Clark	Negotiating before filing.
1/06/94	L.F. Everett and Betty Everett	Administrative Order	AQ	Preziosi	Negotiating before filing.
1/07/94	Eli Shada	Administrative Order	UT	Wornson	Negotiating before filing.
1/13/94	James and Robert Brock d/b/a B & B Oil Co.	Administrative Order	UT	Wornson	Settlement offer pending.
1/18/94	M & D Tire Processing, Inc.	Administrative Order	SW	Kennedy	Settlement pending.
1/18/94	Merrill, City of	Administrative Order	AQ	Preziosi	Negotiating before filing.
1/19/94	Cottage Reserve Corp.	Permit Conditions	WS	Clark	Negotiating before filing.

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DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
1/20/94	Gene Phillips d/b/a Phillips Sanitation	Administrative Order	AQ	Preziosi	Negotiating before filing.
1/27/94	Archer-Daniels-Midland	Permit Conditions	AQ	Preziosi	Negotiating before filing.
2/02/94	John Deere Waterloo Works	Tax Certification	WW	Hansen	Negotiating before filing.
2/09/94	Harold Lee	Administrative Order	WW	Clark	Negotiating before filing.
2/10/94	Lyle Lorensen	Administrative Order	UT	Wornson	Follow-up with attorney regarding penalty.
2/14/94	Economy Solar Corp 94-AQ-04	Administrative Order	AQ	Preziosi	Hearing set for 9/13/94.
2/15/94	Riverside Plating	Administrative Order	WW	Hansen	Settlement offer received from company regarding penalty.
2/21/94	Toys "R" Us	Administrative Order	UT	Wornson	Compliance initiated. Penalty appealed.
2/25/94	John Deere Waterloo Works	Administrative Order	AQ	Preziosi	Settlement close.
2/28/94	Coastal Mart Davenport	Administrative Order	UT	Wornson	Deficient SCR. Letter sent. Penalty on appeal.
3/01/94	Parkwest Ltd.; Wilbur Numelin; Ricky Lee Anderson	Administrative Order	UT	Wornson	Hearing set for 10/4/94. Settlement pending.
3/01/94	Enviro Safe Air, Inc.	Administrative Order	AQ	Preziosi	Settlement close.
3/02/94	Waste Mgmt. & Design, Inc.	Administrative Order	WW	Clark	Settlement close.
3/03/94	Burlington Northern Railroad	Tax Certification	WW	Hansen	Negotiating before filing.
3/08/94	Country Stores of Carroll, Ltd.; Elite Ltd.; Roger Kanne; James Pietig (Logan) (Coon Rapids)	Administrative Order	UT	Wornson	SCR overdue. Letter sent. Penalty on appeal. Compliance initiated.
3/10/94	Solvay Animal Health, Inc.	Administrative Order	AQ/SW	Kennedy	Settlement pending.
3/15/94	Iowa-Illinois Thermal Insulation, Inc.	Administrative Order	AQ	Preziosi	Settlement close.
3/16/94	Cedar Rapids, City of; Cedar Rapids YMCA	Administrative Order	AQ	Preziosi	Settlement close.
3/17/94	Arlo Becker d/b/a Becker's Auto Salvage	Administrative Order	AQ	Kennedy	Settlement pending.
4/19/94	Galva Union Elevator Co.	Administrative Order	UT	Wornson	Compliance initiated.
5/04/94	Armour Food Co.	Administrative Order	WW	Hansen	Penalty paid. Settled.
5/06/94	Creston Commercial Feeders	Administrative Order	WW	Clark	Negotiating before filing.

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## DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL PROTECTION COMMISSION CONTESTED CASES September 1, 1994

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
5/09/94	Sara Lee Corporation	Administrative Order	WW	Murphy	Negotiating before filing.
5/09/94	Farmers Hybrid Co., Inc.	Administrative Order	WW	Clark	Negotiating before filing.
5/10/94	Clarke County SLF	Administrative Order	SW	Kennedy	Negotiating before filing.
5/11/94	Creston, City of	Administrative Order	WW	Hansen	Negotiating before filing.
5/12/94	Burlington Basket Co.	Permit Denial	AQ	Preziosi	Negotiating before filing.
5/19/94	New Hampton, City of	Administrative Order	WW	Murphy	Negotiating before filing.
5/23/94	Newton, City of; Leland C. Faidley; Robert & Lynn Van Maaren; Doyle Churchill; Lucille Loar; Melburn & Jayne Clymer	Permit Issuance	FP	Clark	Negotiating before filing.
5/27/94	Joseph L. Ranker; Darl Hollingsworth	Administrative Order	UT	Wornson	Compliance initiated.
6/03/94	Maquoketa, City of	Administrative Order	WW	Hansen	Negotiating before filing.
6/08/94	Larry & Kelly Miller	Administrative Order	UT	Wornson	Compliance initiated.
6/10/94	Frontier Cooperative Herbs	Administrative Order	AQ	Preziosi	Negotiating before filing.
6/14/94	K-Mart Corp./Store #7261	Administrative Order	UT	Wornson	Compliance initiated.
6/15/94	Winfield Scott McKinney; Gary L. McKinney d/b/a Harmony Creek Farms	Administrative Order	WW	Hansen	To be sent to DIA.
6/15/94	Lakeview Heights	Permit Conditions	WS	Hansen	Facility proposal under review by WS.
6/20/94	R.D.J. Farms and Donald Vogt	Administrative Order	UT	Wornson	Compliance initiated.
6/24/94	Griffith Oil Corp.	Administrative Order	UT	Wornson	Compliance initiated.
6/24/94	Larence Otto	Administrative Order	UT	Wornson	Compliance initiated.
6/28/94	Woodburn, City of	Administrative Order	WS	Hansen	Negotiating before filing..
6/29/94	Colesburg, City of	Administrative Order	WS	Hansen	Negotiating before filing.
7/01/94	Pella Construction Co.	Administrative Order	WW	Hansen	Negotiating before filing.
7/01/94	Louisa-Muscatine Community School District	Administrative Order	WS	Clark	Negotiating before filing.
7/05/94	Cotter Elementary School	Administrative Order	WS	Clark	Negotiating before filing.
7/05/94	Iowa City Regency MHP	Administrative Order	WS	Clark	Negotiating before filing.
7/07/94	Rose Bar Tire Shredding	Administrative Order	SW	Kennedy	Negotiating before filing.

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DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
7/12/94	Woodlyn Htts	Administrative Order	WS	Hansen	Negotiating before filing.
7/12/94	Tom Wiseman	Administrative Order	UT	Wornson	New case. Appeal untimely.
7/15/94	Village Oaks Homeowners	Administrative Order	WS	Hansen	Negotiating before filing.
7/18/94	Silver City	Permit Conditions	WS	Hansen	8/16/94-Settlement offer to City.
7/19/94	Lakewood Utilities	Administrative Order	WS	Clark	Negotiating before filing.
7/20/94	Pathway Christian School	Administrative Order	WS	Clark	Negotiating before filing.
7/20/94	Woodlyn Heights Homeowners	Administrative Order	WS	Kennedy	Penalty paid. Settled.
7/20/94	Pleasant Creek Estates	Administrative Order	WS	Hansen	Negotiating before filing.
7/21/94	Hickory Hills Subdivision	Administrative Order	WS	Hansen	Negotiating before filing.
7/21/94	Green Acres MH Villa I	Administrative Order	WS	Clark	Negotiating before filing.
7/25/94	Nishna Valley Schools	Administrative Order	WS	Clark	Negotiating before filing.
7/25/94	South High Point Well #2	Administrative Order	WS	Clark	Negotiating before filing.
7/25/94	Louis Rich Co.	Administrative Order	WS	Hansen	8/30/94 settlement offer to facility.
7/25/94	Kesslers Homeowners Assn.	Administrative Order	WS	Clark	Negotiating before filing.
7/25/94	Riverview Estates	Administrative Order	WS	Hansen	Negotiating before filing.
7/25/94	ACC Chemical Co. Getty Chemical Co.	Permit Conditions	WW	Hansen	Negotiating before filing.
7/27/94	Bar-Jac Mobile Home Park	Administrative Order	WS	Clark	Settled.
8/09/94	Cherry Hills Subdivision	Administrative Order	WS	Clark	New case.
8/10/94	Edinburgh Manor	Administrative Order	WS	Clark	New case.
8/12/94	Windy Ridge Well Assn.	Administrative Order	WS	Clark	New case.
8/12/94	Karl and Thelma Boylan d/b/a Boylan's Service	Administrative Order	UT	Wornson	New case.
8/18/94	Thomas Scheetz d/b/a The Depot Food & Fuel	Administrative Order	UT	Wornson	New case.
8/22/94	Rolling Hills MHP	Administrative Order	WW	Hansen	New case.
8/29/94	Atlantic, City of	Administrative Order	WW	Hansen	New case.
8/29/94	B and B Tire and Oil	Administrative Order	UT	Wornson	New case.
8/30/94	HWH Corporation	Permit Denial	AQ	Preziosi	New case.

Mr. Stokes presented the monthly reports.

Various cases were discussed as well as the UST Insurance Board pay outs.

Mr. Stokes stated that next month he will provide an in-depth presentation on the UST Board pay outs for site cleanup and how pay outs are prioritized.

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William Ehm questioned why AMPC is listed on the Referrals report as having been referred last month.

Mr. Murphy stated that AMPC was previously referred and a consent decree was worked out in January 1994. Additional violations occurred in April and May and it was not brought back before the Commission but the Attorney General's Office was alerted that the consent decree was being violated, thus it was then put back on the report. He added that there is not a clear policy when a case like that should be brought back before the Commission.

Commissioner Ehm requested that the Commission be given a verbal report when there is a possibility that a case could be reopened.

Discussion followed regarding appeals, holding a case in informal status, and timelines for same.

Mr. Stokes stated that staff will provide statistics covering the past several years on enforcement actions beginning with step one and continuing through the court hearing.

<b>INFORMATIONAL ONLY</b>
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### **PROPOSED RULE--CHAPTER 42, LABORATORY CERTIFICATION**

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Environmental Protection Commission will be provided a copy of the proposed rules to require laboratories doing analysis for the Underground Storage Tank program to be certified by the Department. Presently laboratories are required to be certified if they are doing analysis for the drinking water program. This proposal will expand the laboratory certification program.

According to the 1991 Iowa Code sections 455B.113 and 455B.114, a laboratory certification program is required for laboratories performing analyses of samples which are required to be submitted to the department as a result of Iowa Code provisions, rules, operation permits, or Administrative Orders.

(A copy of the rule is on file in the department's Records Center)

Mr. Stokes gave a detailed explanation of the rules.



Rozanne King asked how many laboratories are certified in Iowa.

Mr. Stokes stated that the department has a list of these labs and he will provide it at next month's meeting.

Brief discussion followed.

INFORMATIONAL ONLY
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### NOTICE OF INTENDED ACTION--CHAPTER 40 AND 43, WATER SUPPLY FEES

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The department recommends the Environmental Protection Commission approval of the Notice of Intended Action. The proposed rules revises existing rules for assessment of water supply operation and construction permit fees and are intended to generate funds for the water supply program authorized by 1994 Iowa Acts, Senate File 2314, Section 48. The proposed changes include:

- New definitions for "population served" and "service connections" are added to Rule 40.2.
- The proposed base fee and the proposed per capita fee are based upon the last official U.S. census population.
- The proposed rules are intended to implement Senate File 2314, Section 48 to provide for maintenance of primacy of Iowa's Safe Drinking Water Act water supply program. They are to will produce revenue amounts of: \$475,000 from July 1, 1994 through June 30, 1995; \$700,000 from July 1, 1995 through June 30, 1996; \$900,000 from July 1, 1996 through June 30, 1997; and \$1,200,000 during each subsequent fiscal year.

The proposed scheduled for the public hearings is on the next page.

Senate File 2314 set a date of December 31, 1994 to finalize these rules. In order to meet this date, the Commission may be requested to take emergency rulemaking action.

The proposed Notice of Intent calls for six public hearings on the proposed new fee structure. Proposed hearings are scheduled as outlined:

ATLANTIC	Nov 1, 1994 9:00-11:00
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STORM LAKE	Nov 1, 1994 3:00-6:00
MASON CITY	Nov 2, 1994 9:00-11:00
CEDAR FALLS	Nov 2, 1994 3:00-6:00
OTTUMWA	Nov. 3, 1994 9:00-11:00
DES MOINES	Nov. 3, 1994 3:30-6:00

### ENVIRONMENTAL PROTECTION COMMISSION [567] Notice of Intended Action

Pursuant to the authority of Iowa Code sections 455B.105 and 455B.173, the Environmental Protection Commission gives Notice of Intended Action to amend 567--Chapter 40, "Scope of Division--Definitions--Forms--Rules of Practice," and Chapter 43, "Water Supplies--Design and Operation," Iowa Administrative Code.

The proposed amendments contain new fee structures that revise the existing rules for the assessment of fees for water supply operation and construction permits. The proposed fee structures are anticipated to generate the funds authorized by 1994 Iowa Acts, Senate File 2314, Section 48.

New definitions for "population served" and "service connections" have been added to Rule 40.2. Rule 40.5(17A.455B) is amended to reference the new fee structure. Paragraph 43.2(3)"b" is amended to provide for an annual fee for the operation of a public water supply. The fee is to be based on the population served and is to be paid annually or with the application for a new or renewed operation permit. All facilities, except for those owned by the Department or located on Indian lands, would pay a base fee. The proposed rule amendments also include a per capita fee based on that portion of the population in excess of 3,300 persons served by community public water supplies. Paragraph 43.2 (3)"b" is amended to provide for an increase in construction permit application fees. The amendments increase existing fees for projects which are based on project type and add additional project categories. The Department anticipates a great deal of comment suggesting that the base fee should be lower or higher and that the per capita rate should be higher or lower. By statute, the Department must generate a set amount of money each year through the fee structure, and the proposed rules are designed to do that. If the base fee is lowered, the per capita rate will have to be raised, and vice-versa. Based on public comment, the final rules adopted by the Commission may set higher or lower base fees and per capita rates, consistent with the directive to generate the prescribed funding level.

In addition, since the number of public water supplies may change from year to year, proposed subrule 43.2(3), subparagraph "b"(7) provides flexibility, within a narrow range, to adjust the per capita rate each year, as necessary to achieve the prescribed funding level. The determination must be approved by the Commission, which will give the public an opportunity

for input. If the built-in flexibility is not sufficient to achieve the prescribed funding level, the fees may be changed through additional rulemaking.

Any interested person may submit written suggestions or comments to the proposed rule changes through \_\_\_\_\_, 1994. Such written materials should be submitted to Michael Anderson, Department of Natural Resources, Wallace State Office Building, 900 East Grand Avenue, Des Moines, Iowa 50319-0034.

Persons are also invited to present oral or written comments at any of the six public hearings which will be held:

November 1, 1994 Location: Atlantic Municipal Conference Room  
Time: 9 A.M. 15 West 3rd Street  
Atlantic, Iowa

November 1, 1994 Location: Conference Room  
Time: 3 P.M. Storm Lake Fire Station  
820 Oneida  
Storm Lake, Iowa

November 2, 1994 Location: Muse-Norris Conference Room  
Time: 9 A.M. NIACC  
500 College Drive  
Mason City, Iowa

November 2, 1994 Location: Conference Room  
Time: 3 P.M. Cedar Falls Utilities  
612 East 12th Street  
Cedar Falls, Iowa

November 3, 1994 Location: Ottumwa Public Library  
Time: 9 A.M. 129 North Court Avenue  
Ottumwa, Iowa

November 3, 1994 Location: 4th Floor Conference Room  
Time: 3:30 P.M. Wallace State Office Building  
900 East Grand Ave.  
Des Moines, Iowa

Any persons who intend to attend a public hearing and have special requirements such as hearing or mobility impairments should contact the Department of Natural Resources and advise of specific needs.

These amendments may have an impact on small business.

Copies of these proposed rules may be obtained from Sarah Detmer, Records Center, Department of Natural Resources, Wallace State Office Building, 900 East Grand Avenue, Des Moines, Iowa 50319-0034.

These rules are intended to implement Iowa Code Chapter 455B, Division III, Part 1 and 1994 Iowa Acts, Senate File 2314, Section 48.

The following amendments are proposed.

ITEM 1. Amend 567--40.2(455B) by adding the following definitions in alphabetical order:

"Population served" means the total number of persons served by a public water supply that provides water for human consumption. For municipalities it is the last official U.S. census

population (or officially amended census population). For all other community public water supply systems it is either the actual population counted which is verifiable by the department or population as calculated by multiplying the number of service connections by an occupancy factor of 2.5 persons per service connection. For nontransient noncommunity (NTNC) and transient noncommunity (TNC) systems it is the average number of daily employees plus the average number of other persons served such as customers or visitors during the peak month of the year regardless if each person actually uses the water for human consumption. Where a system provides water to another public water supply system (consecutive public water supply system) which is required to have an operation permit, the population of the recipient water supply shall not be counted as a part of the water system providing the water.

"Service connections" means the total number of active and inactive service lines originating from a distribution main for the purpose of delivering water for human consumption. For municipalities, rural water districts, mobile home parks, housing developments and similar facilities this includes, but is not limited to, occupied and unoccupied residences and buildings, providing that there is a service line connected to the water main or another service line and running onto the property. For rental properties which are separate public water supply systems, this includes, but is not limited to, the number of rental units such as apartments.

ITEM 2. Amend 567--40.5(17A,455B) as follows:

567--40.5(17A,455B) Public water supply operation permit application procedures. A person requesting to obtain or renew a water supply operation permit pursuant to 567--43.2(455B) must complete the appropriate application form, which will be provided by the department. Upon receipt of a complete application and the appropriate fee pursuant to 43.2(3) "b", the department shall review the application and if approvable shall prepare and issue a water supply operation permit or draft permit, as applicable, and transmit it to the applicant. A permit or renewal will be denied when the applicant does not meet one or more requirements for issuance or renewal of such permit.

ITEM 3. Amend 43.2(3)"b" by rescinding the entire paragraph and inserting in lieu thereof the following new paragraph:

b. Operation Fees.

(1) A nonrefundable fee for the operation of a public water supply system shall be paid annually or with the application for a new or renewed operation permit. The fee shall be based on the population served. The fee is composed of a base fee that applies to all systems and a per capita (person) fee that applies to community public water supply systems serving greater than 3,300 persons. The per capita fee applies to that portion of the population exceeding 3,300 persons.

(2) Fee notices. The department will send annual notices (billing statements) to public water supply systems at least 60 days prior to the date that payment is due.

(3) First annual fee payment. The annual fee payment for the fiscal year beginning July 1, 1994 and ending June 30, 1995, must be paid to the department by March 1, 1995. Public water supply systems that paid an operation permit fee after May 13, 1994, based on the old permit fee schedule, will be given credit for this fee payment and will be billed for the difference.

(4) Second annual fee payment. The annual fee payment for the fiscal year beginning July 1, 1995 and ending June 30, 1996, must be paid to the department by January 1, 1996.

(5) Fee payments after July 1, 1996. For the State fiscal year beginning July 1, 1996, and thereafter, the annual fee payment must be paid to the department by September 1st each year.

### ANNUAL FEE SCHEDULE

Period	Base Fee (All Systems)	Per Capita Fee (each person over 3,300 persons)
7/1/94 - 6/30/95	\$185	\$0.04 X (population served)
7/1/95 - 6/30/96	\$295	\$0.06 X (population served)
7/1/96 - 6/30/97	\$405	\$0.08 X (population served)
after June 30, 1997	\$565	\$0.11 X (population served)

(6) New public water systems. The initial fee payment for a new public water supply is due with the initial application for the operation permit. The amount of the initial payment shall be determined based upon the date the application is submitted to the department in accordance with the above listed ANNUAL FEE SCHEDULE. Annual fee payments subsequent to obtaining an operation permit shall be in accordance with the ANNUAL FEE SCHEDULE.

(7) Fee schedule adjustment. The department, upon approval of the Environmental Protection Commission, may adjust the per capita fee payment by up to: +/- \$0.03 per person served in fiscal year 1996; +/- \$0.04 in fiscal year 1997; and, +/- \$0.05 in fiscal year 1998 and thereafter. The extent of the fee adjustment is limited by the intent of 1994 Iowa Acts, Senate File 2314, Section 48, and will produce the exact revenue amounts of: \$475,000 from July 1, 1994 through June 30, 1995; \$700,000 from July 1, 1995 through June 30, 1996; \$900,000 from July 1, 1996 through June 30, 1997; and \$1,200,000 during each subsequent fiscal year. When revenues exceed the amount expected, the department will not refund moneys but will reduce the fees, as limited above, in the subsequent fiscal year.

(8) Exempted public water supply systems. Public water supply systems owned by the department and public water supplies located on Indian lands are exempt from the fee requirements.

ITEM 4. Amend 43.3(3)"b" as follows:

b. Construction Permit Application

(1) Application for any project shall be submitted to the department at least 30 days prior to the proposed date for commencing construction or awarding of contracts. This requirement may be waived when it is determined by the department that an imminent health hazard exists to the consumers of a public water supply. Under this waiver, construction, installation, or modification may be allowed by the department prior to review and issuance of a permit if all the following conditions:

1. No change.
2. No change.

3. No change.

4. No change.

5. No change.

(2) All applications shall be accompanied by a non refundable fee, as specified below:

Type of Construction	Fee
Distribution System <u>(includes as-built water mains &amp; pump stations)</u>	<del>\$50</del> \$100
Treatment Units per unit <del>not to exceed (\$225 total)</del> <u>process (except projects submitted pursuant to 43.3(4))</u>	<del>\$75</del> \$100
<u>Simple Chemical Feed pursuant to 43.3(4)a</u>	\$350
<u>Self Contained Treatment Unit pursuant to 43.3(4)b</u>	\$350
Storage Facilities	\$100
New Water Source <u>(includes as-built)</u>	<del>\$125</del> \$350
As Built treatment or storage	\$350
Request for Variances from design standards	\$350

\_\_\_\_\_  
DATE

\_\_\_\_\_  
LARRY J. WILSON, DIRECTOR

Mr. Stokes reviewed the rules noting that staff worked with the Local Government and Environmental Resources Council which represents various groups. He related that the rules are a product of working with those individuals but it does not mean there will not be comments provided by individual operators as well as others.

Chairperson Siebenmann commented that staff and the Commission can anticipate some serious questions because there is a great percentage of fee increase through the next year.

Charlotte Mohr requested an additional public hearing be held on the rules, preferably in NE/Eastern Iowa. Discussion followed regarding possible areas in which to hold additional hearings and consensus of the Commission was to have one in Clinton.

*Motion was made by William Ehm to approve Notice of Intended Action--Chapters 40 and 43, Water Supply Fees with an additional public hearing in Clinton. Seconded by Kathryn Murphy. Motion carried unanimously.*

APPROVED WITH ADDITIONAL PUBLIC HEARING

## **NOTICE OF INTENDED ACTION--CHAPTER 20 AND 31, AIR QUALITY GENERAL CONFORMITY IN NONATTAINMENT AREAS**

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

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Attached is a Notice of Intended Action which proposes to add two definitions to Chapter 20, "Scope of Title - Definitions - Forms - Rules of Practice," and add a new Chapter 31, "Nonattainment Areas." Chapter 31 will include requirements for areas which exceed one or more National Ambient Air Quality Standard.

This Notice proposes to adopt by reference federal regulations which require that federal actions conform to the appropriate state implementation plans in nonattainment areas.

This Commission is requested to approve the Notice of Intended Action.

### **ENVIRONMENTAL PROTECTION COMMISSION [567]**

#### **Notice of Intended Action**

Pursuant to the authority of Iowa Code section 455B.133, the Environmental Protection Commission gives Notice of Intended Action to amend Chapter 20, "Scope of Title - Definitions - Forms - Rules of Practice," and add a new Chapter 31, "Nonattainment Areas," Iowa Administrative Code.

Two definitions regarding testing are added to Chapter 20.

The intent of adding a new chapter 30 is to establish at one location in the Iowa Administrative Code requirements for areas which are exceeding one or more of the National Ambient Air Quality Standards.

The provisions of this Notice adopt by reference federal regulations which require that federal actions conform to the appropriate state implementation plans in order to attain the Clean Air Act's air quality goals. Federal action includes engaging in, supporting in any way or providing financial assistance for, licensing or permitting, or approving any activity which does not conform to a state implementation plan.

These rules may impact small businesses.

Any interested person may make written suggestions or comments on the proposed rules on or before \_\_\_\_\_. Written comments should be directed to Christine Spackman, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand, Des Moines, Iowa 50319-0034, FAX (515)281-8895.

A public hearing will be held on \_\_\_\_\_ at \_\_\_\_\_ in \_\_\_\_\_, at which time comments may be submitted orally or in writing.

These rules are intended to implement Iowa Code section 455B.133.

The following rules are proposed.

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Item 1. Amend rule 567--20.2 by adding the following definitions:

"EPA conditional method" means any method of sampling and analyzing for air pollutants that has been validated by the administrator but that has not been published as an EPA reference method.

"EPA reference method" means any method of sampling and analyzing for an air pollutant as described in 40 CFR 51, Appendix M, as amended through July 20, 1993; 40 CFR 52, ~~Appendices D and E, as amended through July 20, 1993;~~ 40 CFR 60, Appendix A, as amended through May 17, 1993; 40 CFR 61, Appendix B as amended through June 25, 1993; 40 CFR 63, Appendix A, as amended through October 27, 1993; and 40 CFR 75, Appendices A, B, and H, as amended through July 20, 1993.

Item 2. Add a new chapter 567--31 as follows:

### CHAPTER 31 NONATTAINMENT AREAS

567--31.1(455B) Permit requirements relating to nonattainment areas. Special construction permit requirements in nonattainment areas are contained in rules 22.5 and 22.6.

567--31.2(455B) Conformity of general federal actions to the Iowa state implementation plan or federal implementation plan. The federal regulations relating to determining conformity of general federal actions to state or federal implementation plans, 40 CFR 93 subpart B as adopted November 30, 1993, are adopted by reference except 40 CFR 93.151.

31.2(1) Section 93.160(f) is modified to read: written commitments to mitigation measures must be obtained prior to a positive conformity determination and such commitment must be fulfilled.

31.2(2) Section 93.160(g) is modified to read: after the effective date of this rule and EPA's approval of the corresponding state implementation plan change, any agreements, including mitigation measures, necessary for a conformity determination will be both state and federally enforceable. Enforceability through the Iowa state implementation plan will apply to all persons who agree to mitigate direct and indirect emissions associated with a federal action for a conformity determination.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Larry J. Wilson, Director

Mr. Stokes briefly explained the rules.



*Motion was made by Rozanne King to approve Notice of Intended Action--Chapters 20 and 31, General Conformity in Nonattainment Areas. Seconded by Verlon Britt. Motion carried unanimously.*

**APPROVED AS PRESENTED.**

## **FINAL RULE--CHAPTER 22 AMENDMENTS, VOLUNTARY AIR OPERATING PERMITS**

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to adopt the attached final rules which amend Chapter 22 of the air quality rules by establishing a voluntary operating permit program. Public hearings were held on May 24, 25, and 26, 1994. A public participation responsiveness summary is attached.

The voluntary permit program offers an alternative to the Title V operating permit program for small sources able to qualify under these rules.

### **ENVIRONMENTAL PROTECTION COMMISSION [567] Adopted and Filed**

Pursuant to the authority of Iowa Code section 455B.133, the Environmental Protection Commission gives Notice of Intended Action to amend Chapter 22, "Controlling Pollution," Iowa Administrative Code.

These rules establish a voluntary operating permit program. This action is taken to provide an alternative to the Title V operating permit program for small sources able to qualify under these rules. Sources will be eligible for voluntary operating permits after demonstrating that the potential to emit of each regulated pollutant shall be limited to less than 100 tons per 12-month rolling period; that the actual emissions of each regulated pollutant, including fugitive emissions, have been and are predicted to be less than 100 tons per 12-month rolling period; and that the potential to emit of each regulated hazardous air pollutant shall be less than 10 tons per 12-month rolling period and the potential to emit of all regulated hazardous air pollutants shall be less than 25 tons per 12-month rolling period. The proposed rules include provisions for eligibility requirements, permit application contents, action on applications, permit contents, and relation to construction permits.

Notice of Intended Action was published in the Iowa Administrative Bulletin on April 13, 1994, as **ARC 4750A**. Public hearings were held on May 24, 25, and 26, 1994.

In response to comments, rule 22.201 was changed to clearly state when sources are and are not eligible for voluntary permits. In response to EPA's comment the application shield in rule 22.202 was removed. Several commenters expressed concern about the November 15, 1994, application submission date. Subparagraph 22.203(1)"a"(1) was changed to allow for a March 1, 1995, application submission date. Subparagraph 22.203(2)"c"(9) was added in response to

comments to address fugitive emissions in the permit application. Other changes were made to subrule 22.203(2) in response to comments to lessen the burden on permit applicants. In response to EPA's comments several provisions were added to rule 22.206 concerning the permit content. Also in response to another commenter paragraph 22.206(2)"f" was added to address emergency provisions. In response to EPA, changes were made to rule 22.207 to clarify the relationship of construction permits and voluntary operating permits. Also, in response to EPA, rule 22.208 was added which addresses suspension, termination, and revocation of voluntary operating permits.

Minor changes were made to subrule 22.201(1), 22.203(2), 22.205(1), 22.205(2) and rule 22.206.

These rules may impact small businesses.

These rules are intended to implement Iowa Code section 455B.133.

The following rules are adopted.

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ITEM 1. Amend 567--Chapter 22 by adding the following new rules:

**567--22.200(455B) Definitions for voluntary operating permits.** For the purposes of rules 22.200(455B) to 22.207(455B), the definitions shall be the same as the definitions found at rule 22.100(455B).

**567--22.201(455B) Eligibility for voluntary operating permits.**

**22.201(1)** Except as provided in paragraphs 567--22.201(2) and 22.205(2), any person who owns or operates a major source otherwise required to obtain a Title V operating permit may instead obtain a voluntary operating permit following successful demonstration of the following:

- a. That the potential to emit of each regulated air pollutant shall be limited to less than 100 tons per 12-month rolling period;
- b. That the actual emissions of each regulated air pollutant have been and are predicted to be less than 100 tons per 12-month rolling period; and
- c. That the potential to emit of each regulated hazardous air pollutant, including fugitive emissions, shall be less than 10 tons per 12-month rolling period and the potential to emit of all regulated hazardous air pollutants, including fugitive emissions, shall be less than 25 tons per 12-month rolling period; and
- d. That the actual emissions of each regulated hazardous air pollutant, including fugitive emissions, have been and are predicted to be less than 10 tons per 12-month rolling period and the actual emissions of all regulated hazardous air pollutants, including fugitive emissions, have been and are predicted to be less than 25 tons per 12-month rolling period.

**22.201(2) Exceptions.**

- a. Any affected source subject to the provisions of Title IV of the Act or any solid waste incinerator unit required to obtain a Title V operating permit under section 129(e) of the Act is not eligible for a voluntary operating permit.
- b. Sources which are not major sources but subject to a standard or other requirement under 567--23.1(2) (standards of performance for new stationary sources) or section 111 of the Act; or 567--23.1(3) (emissions standards for hazardous air pollutants) or section 112 of the Act

are eligible for a voluntary operating permit only until five years from April 20, 1994. These sources shall be required to obtain a Title V operating permit when the deferment period specified in subrule 567--22.101(2) has expired.

**567--22.202(455B) Requirement to have a Title V permit.** No source may operate after the time that it is required to submit a timely and complete application for an operating permit, ~~except in compliance with a properly issued Title V operating permit or a properly issued voluntary operating permit.~~

**567--22.203(455B) Voluntary operating permit applications.**

**22.203(1) Duty to apply.** Any source which would qualify for a voluntary operating permit must apply for either a voluntary operating permit or a Title V operating permit. Any source determined not to be eligible for a voluntary operating permit shall be subject to enforcement action for operation without a Title V operating permit. For each source applying for a voluntary operating permit, the owner or operator or designated representative, where applicable, shall present or mail to the Air Quality Bureau, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand Avenue, Des Moines, Iowa 50319-0034, at least two copies of a timely and complete permit application in accordance with this rule.

a. Timely application. Each source applying for a voluntary operating permit shall submit an application:

- (1) By March 1, 1995, if the source is applying for an operating permit for the first time;
- (2) At least 6 months but not more than 12 months prior to the date of expiration if the application is for renewal;

(3) Within 12 months of becoming subject to this rule for a new source or a source which would otherwise become subject to the Title V permit requirement after the effective date of this rule.

b. Complete application. To be deemed complete, an application must provide all information required pursuant to subrule 22.203(2).

c. Duty to supplement or correct application. Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information. In addition, an applicant shall provide additional information as necessary to address any requirements that become applicable to the source after the date it filled a complete application but prior to the issuance of a permit. Applicants who have filed a complete application shall have 30 days following notification by the department to file any amendments to the application.

d. Certification of truth, accuracy, and completeness. Any application form, report, or compliance certification submitted pursuant to these rules shall contain certification by a responsible official of truth, accuracy, and completeness. This certification and any other certification required under these rules shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

**22.203(2) Standard application form and required information.** To apply for a voluntary operating permit, applicants shall complete the Voluntary Operating Permit Application Form

and supply all information required by the Filing Instructions. The information submitted must be sufficient to evaluate the source, its application, predicted actual emissions from the source, and the potential to emit of the source; and to determine all applicable requirements. The applicant shall submit the information called for by the application form for all emissions units, including those having insignificant activities according to the provisions of rules 22.102 and 22.103(455B). The standard application form and any attachments shall require that the following information be provided:

a. Identifying information, including company name and address (or plant or source name if different from the company name), owner's name and agent, and telephone number and names of plant site manager or contact;

b. A description of source processes and products (by two-digit Standard Industrial Classification Code);

c. The following emissions-related information shall be submitted to the department on the emissions inventory portion of the application:

(1) All emissions of any regulated air pollutants from each emissions unit and information sufficient to determine which requirements are applicable to the source;

(2) Emissions in tons per year and in such terms as are necessary to establish compliance consistent with the applicable standard reference test method, if any;

(3) The following information to the extent it is needed to determine or regulate emissions, including toxic emissions: fuels, fuel use, raw materials, production rates and operating schedules;

(4) Identification and description of air pollution control equipment;

(5) Identification and description of compliance monitoring devices or activities;

(6) Limitations on source operations affecting emissions or any work practice standards, where applicable, for all regulated pollutants;

(7) Other information required by any applicable requirement; and

(8) Calculations on which the information in (1) to (7) above is based.

(9) Fugitive emissions sources shall be included in the permit application in the same manner as stack emissions, regardless of whether the source category in question is included in the list of sources contained in the definition of major source.

d. Requested permit conditions sufficient to limit the operation of the source according to the requirements of rule 22.201(455B).

e. Requirements for compliance certification. This shall include the following:

(1) certification of compliance for the prior year with all applicable requirements with an exception for violations of subrule 22.1(1);

(2) a list of the emission points, control equipment, and emission units in violation of subrule 22.1(1);

(3) construction permit applications for emission points and associated equipment listed in subparagraph 22.203(2)"e"(2); and

(4) compliance certification certified by a responsible official consistent with 22.203(1)"d".

**567--22.204(455B) Voluntary operating permit fees.** Each source in compliance with a current voluntary operating permit shall be exempt from Title V operating permit fees.

**567--22.205(455B) Voluntary operating permit processing procedures.**

**22.205(1) Action on application.**

a. Completeness of applications. The department shall promptly provide notice to the applicant of whether the application is complete. Unless the permitting authority requests additional information or otherwise notifies the applicant of incompleteness within 60 days of receipt of an application, the application shall be deemed complete. If, while processing an application that has been determined to be complete, the permitting authority determines that additional information is necessary to evaluate or take formal action on that application, the permitting authority may request in writing such information and set a reasonable deadline for a response.

b. Public notice and public participation.

(1) The department shall provide public notice and an opportunity for public comment, including an opportunity for a hearing, before issuing or renewing a permit.

(2) Notice of the intended issuance or renewal of a permit shall be given by publication in a newspaper of general circulation in the area where the source is located or in a state publication designed to give general public notice. The department shall also provide the administrator a copy of the notice. The department may use other means if necessary to ensure adequate notice to the affected public.

(3) The public notice shall include: identification of the source; name and address of the permittee; the activity or activities involved in the permit action; the air pollutants or contaminants to be emitted; a statement that a public hearing may be requested, or the time and place of any public hearing which has been set; the name, address, and telephone number of a department representative who may be contacted for further information; and the location of copies of the permit application and the proposed permit which are available for public inspection.

(4) At least 30 days shall be provided for public comment.

**22.205(2) Denial of voluntary operating permit applications.**

a. A voluntary operating permit application may be denied if:

(1) The director finds that a source is not in compliance with any applicable requirement except for subrule 22.1(1); or

(2) An applicant knowingly submits false information in a permit application.

(3) An applicant is unable to certify that the source was in compliance with all applicable requirements, except for subrule 22.1(1), for the year preceding the application.

b. Once agency action has occurred denying a voluntary operating permit, the source shall apply for a Title V operating permit. Any source determined not to be eligible for a voluntary operating permit shall be subject to enforcement action for operating without a Title V operating permit pursuant to rule 22.104.

**567--22.206(455B) Permit content.**

**22.206(1)** Each voluntary operating permit shall include all of the following provisions:

a. The terms and conditions required for all sources authorized to operate under the permit;

b. Emission limitations and standards, including those operational requirements and limitations that ensure compliance with all applicable requirements at the time of the permit issuance;

- c. A certified statement from the source that each emissions unit is in compliance;
- d. Monitoring, record keeping, and reporting requirements to ensure compliance with the terms and conditions of the permit. These requirements shall ensure the use of consistent terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable emissions limitations, standards, and other requirements contained in the permit;
- e. The requirement to submit the results of any required monitoring at intervals to be specified in the permit;

- f. References to the authority for the term or condition;
- g. A provision specifying permit duration as a fixed term not to exceed five years;
- h. A statement that the voluntary operating permit is to be kept at the site of the source as well as at the corporate offices of the source;

- i. A statement that the permittee must comply with all conditions of the voluntary operating permit and that any permit noncompliance is grounds for enforcement action, for a permit termination or revocation, and for an immediate requirement to obtain a Title V operating permit;

- j. A statement that it shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit;

- k. A statement that the permit may be revoked or terminated for cause;

- l. A statement that the permit does not convey any property rights of any sort, or any exclusive privilege;

- m. A statement that the permittee shall furnish to the director, within a reasonable time, any information that the director may request in writing to determine whether cause exists for revoking or terminating the permit or to determine compliance with the permit; and that, upon request, the permittee also shall furnish to the director copies of records required by the permit to be kept.

**22.206(2)** The following shall apply to voluntary operating permits:

- a. Fugitive emissions from a source shall be included in the permit in the same manner as stack emissions, regardless of whether the source category in question is included in the list of sources contained in the definition of major source.

- b. Federally enforceable requirements.

- (1) All terms and conditions in a voluntary operating permit, including any provisions designed to limit a source's potential to emit, are enforceable by the administrator and citizens under the Act.

- (2) Notwithstanding paragraph "a" of this subrule, the director shall specifically designate as not being federally enforceable under the Act any terms and conditions included in the permit that are not required under the Act or under any of its applicable requirements.

- c. All emission limitations, all controls, and all other requirements included in a voluntary permit shall be at least as stringent as any other applicable limitation or requirement in the state implementation plan or enforceable under the state implementation plan.

- d. The director shall not issue a voluntary operating permit that waives any limitation or requirement contained in or issued pursuant to the state implementation plan or that is otherwise federally enforceable.

- e. The limitations, controls, and requirements in a voluntary operating permit shall be permanent, quantifiable, and otherwise enforceable.

f. Emergency provisions. For the purposes of a voluntary operating permit, an "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventive maintenance, careless or improper operation, or operator error.

**567--22.207(455B) Relation to construction permits.**

**22.207(1)** Construction permits issued after the voluntary operating permit is issued. If the issuance of a construction permit acts to make the source no longer eligible for a voluntary operating permit, then the source shall, in accordance with subparagraph 22.105(1)"a"(6), not operate without a Title V operating permit, and the source shall be subject to enforcement action for operating without a Title V operating permit.

**22.207(2)** Relation of construction permits to voluntary operating permit renewal. At the time of renewal of a voluntary operating permit, the conditions of construction permits issued during the term of the voluntary operating permit shall be incorporated into the voluntary operating permit. Each application for renewal of a voluntary operating permit shall include a list of construction permits issued during the term of the voluntary operating permit and shall state the effect of each of these construction permits on the conditions of the voluntary operating permit. Applications for renewal shall be accompanied by copies of all construction permits issued during the term of the voluntary operating permit.

**567--22.208(455B) Suspension, termination, and revocation of voluntary operating permits.**

**22.208(1)** Permits may be terminated, modified, revoked or reissued for cause. The following examples shall be considered cause for the suspension, modification, revocation, or reissuance of a voluntary permit:

a. The director has reasonable cause to believe that the permit was obtained by fraud or misrepresentation.

b. The person applying for the permit failed to disclose a material fact required by the permit application form or the rules applicable to the permit, of which the applicant had or should have had knowledge at the time the application was submitted.

c. The terms and conditions of the permit have been or are being violated.

d. The permittee has failed to pay an administrative, civil or criminal penalty for violations of the permit.

**22.208(2)** If the director suspends, terminates or revokes a voluntary permit under this rule, the notice of such action shall be served on the applicant or permittee by certified mail, return receipt requested. The notice shall include a statement detailing the grounds for the action sought, and the proceeding shall in all other respects comply with the requirements of rule 561--7.16(17A, 455A).

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Date

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Larry J. Wilson, Director

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(A copy of the Responsiveness Summary is on file in the department's Records Center)

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Mr. Stokes stated that this program is designed for the purpose of trying to keep people out of the more complex Title V Operating Permit Program. He related that many of the source's permits will be based on the potential to emit even if it is not their actual operation. This gives many of the small or medium size facilities a chance to opt out of the Title V program by obtaining a voluntary permit, wherein the department would place limitations in their permit. He further explained that this would mean they no longer have the potential, as a limitation would be placed on their potential to emit to where it is below the 100 tons per year.

He commented that in reference to Linda Goeldner's comments during Public Participation the reason staff did not make the change she suggested is because staff feel that is what the rule already does. He noted that the department is not in disagreement but many facilities would like exemptions from the need to get a voluntary permit. He reviewed that staff tried to build in some exemptions from some of the permit requirements and EPA denied them. Mr. Stokes stated the department is on the same track as Ms. Goeldner in wanting to keep facilities out of the need for Title V, but staff do not want to go as far as exemptions.

Chairperson Siebenmann asked if language changes could be made to clarify the language of concern to Ms. Goeldner.

Mr. Stokes responded that if the language is not clear to the hospital group, staff would be willing to discuss it with those individuals to see if there is a better way to address their concerns without granting exemptions.

Ms. Goeldner stated that she would be pleased to work with staff on more clarity to the rule language.

Mr. Stokes altered the staff request by asking the Commission not to approve the rules for final adoption today; this would allow staff time to work with Ms. Goeldner and others on clarity of the language. He noted that the rules would then be brought for final adoption at next month's meeting.

Rozanne King commented that the Responsiveness Summary lists a comment by EPA in reference to 22.206(3) and she could not find that section in the rules.

Mr. Stokes stated that the section was apparently omitted from the rule and it will be added prior to being brought back for Commission approval.

Discussion followed regarding permit shields.



Terrance Townsend asked if there is a reason, in section 22.206(1)h, that copies of the permit are to be kept both at the site and at the corporate office. He related that if the corporate office is out-of-state it may not do the department any good anyway.

Mr. Stokes stated that it is a safety factor which would provide proof for the department or the federal government coming through on an inspection. He added that it is not a federal requirement and could be left up to the specific industry as to where they want to keep copies. This change could also be made to the rules.

Chairperson Siebenmann stated that Mr. Jack Clark requested to speak to the Commission and that will be at 1:30 p.m., so the item will be continued at that time.

<b>ITEM TO BE TAKEN UP LATER IN MEETING</b>
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### **PROPOSED CONTESTED CASE DECISION--SCHMITZ AND FRIEDERS**

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

On May 25, 1993, the department issued Floodplain Development Permit FP93-95 to the Construction Services Bureau of the Department. That action authorized the use, operation, and maintenance of the Shimon Marsh Dam. That action was appealed by Lawrence H. Schmitz, Gerald A. Schmitz, Vernon G. Schmmitz, and Ruth Ann Frieders, and the matter proceeded to administrative hearing on May 20 and 31, 1994. The Administrative Law Judge issued the attached Proposed Findings of Fact, Conclusions of Law, and Order on August 3, 1994. The decision affirms the permit.

Either party may appeal the Proposed Decision to the Commission. In the absence of an appeal, the Commission may decide on its own motion to review the Proposed Decision. If there is no appeal or review of the Proposed Decision, it automatically becomes the final decision of the Commission.

Mr. Murphy stated that this case deals with the floodplain development permit issued to the department's Construction Services Bureau to operate the Shimon Marsh Dam. He related that there were several appeals on this, most notably the Leo Schachtner appeal which went through several hearings and was ultimately resolved. When the department reissued a permit to the Construction Services Bureau an appeal was received from the Schmitz party, who owned farmland adjacent to the marsh. In a subsequent hearing the ALJ upheld the issuance of the permit to the Construction Services Bureau. Mr. Murphy stated that the department will be receiving an appeal and already has an appeal from the Schmitz party. He added that because of the appeal the Commission does not need to take any action as it will be coming to them through the formal review process at a later date.

Rozanne King commented that the item is somewhat difficult to follow and asked if the exhibits are available to view.

Mr. Murphy stated that the exhibits will be available when the parties argue their case before the Commission at a later date.

<b>INFORMATIONAL ONLY</b>
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### **PROPOSED CONTESTED CASE DECISION--TRUST TRUCKING CORPORATION**

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

On June 28, 1993,, the department issued Administrative Order No. 93-UT-16 to Trust Trucking Corporation, Jim Huyser, and Brenda Huyser. That action required the parties to conduct a site check, submit a report, and pay a \$840 penalty. That action was appealed by Trust Trucking Corporation, and the matter proceeded to administrative hearing on June 28, 1994. The Administrative Law Judge issued the attached Proposed Findings of Fact, Conclusions of Law, and Order on August 31, 1994. The decision affirms the Order, with the exception of reversing the penalty.

Either party may appeal the Proposed Decision to the Commission. In the absence of an appeal, the Commission may decide on its own motion to review the Proposed Decision. If there is no appeal or review of the Proposed Decision, it automatically becomes the final decision of the Commission.

Mr. Murphy briefed the Commission on the history of this case. He noted that the department does not agree with the rationale on eliminating the penalty but will not appeal at this time.

The Commission took no action; this has the effect of upholding the ALJ decision in the absence of an appeal.

<b>ALJ DECISION UPHELD</b>
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Director Wilson introduced Phyllis Kingsbury and her Environmental Techniques Class from Drake University and noted that they are present to observe the Commission's work.

### **REFERRALS TO THE ATTORNEY GENERAL**

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

- a. Don Grell (Ft. Dodge) - solid waste (tabled)
- b. Ray Brokaw, dba The Heights (Monticello) - water supply

### **Don Grell**

Chairperson Siebenmann reviewed that this item was previously tabled and will need to be removed from the table.

*Motion was made by Rozanne King to remove the Don Grell referral from the table. Seconded by Charlotte Mohr. Motion carried unanimously.*

**REMOVED FROM TABLE**

### **Appointment - Don Grell**

Don Grell, Dodge Enterprises, stated that since he last met with the Commission he has heard nothing from anyone in the department and asked if the department is still trying to process his permits. He noted that he is still in the tire business and is continuing to remove inventory piled up for recycling.

Mr. Murphy stated that a comment letter was sent to Mr. Grell last Friday indicating that there is one major deficiency in his application, that being that he has not filed a comprehensive plan. He related that Mr. Grell will need to hire a consultant and submit a comprehensive plan.

Chairperson Siebenmann asked if staff would recommend that the case be further tabled.

Mr. Murphy stated that the basic reason for referral was that Mr. Grell had begun operation of a facility without a permit and that fact still exists. He related that Mr. Grell has been cooperative since that time but the basis for referral is still valid. He added that the decision is up to the Commission.

Director Wilson commented that he thinks the Commission would be well advised to allow Mr. Grell time to get the comprehensive plan completed and reviewed.

Discussion followed regarding a reasonable time frame to submit and review the plan.

*Motion was made by Charlotte Mohr to table the referral for 60 days to allow Mr. Grell time to submit a comprehensive plan and for staff to review it. Seconded by Verlon Britt. Motion carried unanimously.*

**TABLED FOR 60 DAYS**

**Ray Brokaw, dba The Heights**

Mr. Murphy briefed the Commission on the history of this case involving an expired operating permit and failure to do required drinking water sampling.

*Motion was made by William Ehm for referral to the Attorney General's Office. Seconded by Rozanne King. Motion carried unanimously.*

**REFERRED**

**CONTESTED CASE DECISION APPEAL--CLEMENT AUTO AND TRUCK, INC.**

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

On June 28, 1993, the department issued Administrative Order No. 93-UT-13 to Clement Auto and Truck, Inc. That action required Clement Auto to conduct a site investigation of a LUST site. That action was appealed by Clement Auto, and a default judgement dismissing the appeal was issued on June 8, 1994. Clement Auto filed a Motion to Set Aside the Default, and the Administrative Law Judge issued a decision on July 13, 1994. The decision denied the Motion to Set Aside Default.

Clement Auto has appealed this decision to the Commission. The pertinent documents and briefs of the parties have been distributed to the Commissioners. The entire record is available for your review. The parties will be available to argue their respective positions and respond to your questions. You may then affirm the decision, or modify or reverse it, substituting your own findings of fact and conclusions of law based on your conclusions from your review of the record and legal argument.

Mr. Murphy stated that this case involves an Administrative Order issued to Clement Auto and Truck, Inc., in June of 1993, to perform a site investigation and submit a report in regard to alleged contamination at an underground tank site. He related that the department did not receive an appeal and in December 1993, initiated action to refer it to the Attorney General. At that time their attorney came forth and presented a Notice of Appeal he asserted had been submitted. Mr. Murphy noted that the appeal is still a point of contention and if the matter goes to hearing the department will contend that it was not a timely appeal. He added that staff sent

the Notice of Appeal to the Department of Inspections and Appeals in April 1994, and the ALJ issued a Notice of Hearing for the end of July. The Notice of Hearing indicated that a petition must be filed by the appellant within 20 days. There was no petition filed and the department, in May 1994, filed a motion asking the ALJ to enter a default judgment in this matter, which was entered by the ALJ on June 8, 1994. On June 29, the appellant filed a Motion to Set Aside Default, and the ALJ denied it because he did not enter his motion within the 10 day required period to do so. The appellant has appealed that order and is requesting the Commission to set aside the default and send the matter back to hearing. Mr. Murphy stated that the department resists that motion because the record in this case shows untimeliness or complete failure to respond as required by the rules. Staff feel the rule is jurisdictional and there is no authority anymore to set aside the default. He related that it is a technical legal issue and the appellant can pursue it in court. Mr. Murphy stated that the ALJ appropriately denied the Motion to Set Aside Default.

### **Appointment - Robert Malloy**

Robert Malloy, counsel for Clement Auto and Truck, Inc., stated that he would like to call attention to the general provision in the law regarding defaults. He related that the purpose of the rule which allows setting aside a default judgment for good cause is to allow determination of the controversy on its merits rather than on the basis of nonprejudicial inadvertance or mistake. He added that both parties briefs draw upon rule 236, and the Iowa Supreme Court stated to allow determination on the controversy of its merits rather than the basis of nonprejudicial inadvertance or mistake. He stressed that the purpose of this is that an appellant has the right and opportunity to be heard. He presented a history of ownership of the property over the past 40 years and noted that in 1990 it was sold to Ricky Timm. Mr. Malloy stated under Chapter 455D.392, the responsibility is the person having control over a hazardous substance and that is the Commission. He added that Clement Auto has not had control of the the property since 1990 and related that it would be detrimental not to allow Mr. Clement to present his facts since he was not the one in control in this particular case. He cited the Iowa Supreme Court in a case stating that liability for cleanup of a hazardous condition is imposed upon a person having control and re-emphasized that Clement Auto did not have control. Mr. Malloy related that since Clement Auto did not own the property at the time of the first notice he thought nothing further needed to be done and he did not respond. He added that he is here to respond to the second order. After trial was set for July 26, 1994, Discovery had begun and there was an attempt to resolve the issues. Additonally, the notice did not have the proper number and the office did not know what it was and did not respond. Mr. Malloy stated that the hearing was set for July 13, 1994 and Clement Auto sent an appeal seven days later. He reiterated that Clement Auto should have the opportunity to present facts and the merits of this case.

Dave Wornson, Compliance and Enforcement Bureau, thoroughly explained the proceedings of this case to the Commission as well as the procedural rules involved. He pointed out that there are two major issues involved, one being whether or not in some sense there is good cause to set aside the default, and the other is a legal jurisdictional issue. The administrative rules

specifically state that if a party wishes to set aside a default they must file a motion within ten days and that is the only method to raise the issue of whether there is good cause or not. He noted that the department, in its brief, cited a number of cases from the Supreme Court that had held that these types of procedural time periods have the force and effect of law and, in effect, deprive the agency of jurisdiction to consider the merits of the motion, if the motion is not filed within ten days. He related that was the finding of Judge LaMarche. Also, the ALJ did not feel that any good cause basis had been established. Mr. Wornson stated both parties were informed of the pleading requirements and, based on prior experience at the same site, were aware of the pleading requirements in the departmental rules. He stated that Mr. Malloy referenced the fact that Clement Auto was not the party currently in control of the site, and that it was transferred to the present property owner in 1990. He related that the department began in 1988-89 to get tanks closed at this site while Clement Auto was the owner, and due to some miscommunications it was not until 1992 that the department realized that the tanks at this site had never been removed. A report indicated that these tanks had been removed and the tanks at another Clement Auto site had not, and the DNR directed attention to the other site. In the meantime Mr. Timm had bought the site not knowing whether there were tanks there or not, and that is the reason the department named Clement Auto in this case. Mr. Wornson stated that the focus of the Commission should be on the ALJ's decision.

Charlotte Mohr asked if it is customary to date the Notice of Appeal.

Mr. Wornson stated that the department could find no record of having received the appeal and what they did get was not possible to determine the date of the order. He noted that the department reserved the right to challenge the timeliness of that appeal if the case went to hearing.

Mr. Malloy stated that the need is to resolve the procedural status of the default order. He noted that if a mistake occurs as in this case, the issue is to get to the merits of the case. He related that no one will be harmed and the department will not be disadvantaged by allowing Clement Auto to present the facts.

Discussion followed regarding the reasons for setting aside default, the number of tanks closed, and requirements to do a site investigation.

*Motion was made by William Ehm to uphold the Administrative Law Judge decision. Seconded by Rozanne King. Motion carried unanimously.*

**ALJ DECISION UPHELD**

**FINAL RULE--CHAPTER 22 AMENDMENTS, VOLUNTARY AIR OPERATING PERMITS (CONTINUED)**

Chairperson Siebenmann stated that this item which was delayed earlier will be completed at this time. She called on Jack Clark who had an appointment to address the Commission at 1:30 p.m.

### **Appointment - Jack Clark (Title V Operating Permit Program Fees)**

Jack Clark, Iowa Utility Association, addressed the Commission stating that the industry strongly supports the implementation of the Clean Air Act and the delegation of that program to the department and they have worked toward the goal of achieving that and getting the funding needed to staff to the appropriate level. He reviewed that in February 1994 he appeared before the Commission and asked them to consider the following two issues:-- 1) the reasonable costs of administering the program; and 2) the equity of the fee allocation. Mr. Clark related that he is present today to ask the Commission to place the Title V Operating Permit Fees issue on their October agenda as an action item for the following reasons: 1) to discuss the reasonable cost to administer the Title V Operating Permit Program; 2) to clarify the amount which permit applicants must pay in November 1994; and 3) to provide further review of the equity of the allocation of the permit fee. Mr. Clark displayed overheads covering the following points and elaborated on each:

- The Environmental Protection Commission has authority to set and collect fees
- Regulated parties have the responsibility to pay fees
- The Environmental Protection Commission has authority to allocate fees in an equitable way
- Permit fees should be set at the minimum level needed to support the administration of the program
- The reduced \$24.00 per ton permit fee will still generate substantially more revenue than the Department is now expected to spend in FY 95
- Original staff budget
- Revised staff budget
- Today - Item #7 Budget Approval
- The Environmental Protection Commission must set the fee at a level necessary to generate the revenues to cover the reasonable expenses of the Air Program
- The federal Environmental Protection Agency must approve Iowa's program and be assured that the state carries out an adequate program
- The Clean Air Act Amendments of 1990 significantly shift funding of Iowa's Air Program from the public sector to the private sector
- The Environmental Protection Commission must provide oversight of the budget funded by the fees imposed

Mr. Clark read excerpts from a January 1993 Department memo to the Iowa Association of business and Industry which acknowledged the budget oversight role of the Commission in setting fees. In conclusion, he stated that he is asking the Commission to consider the option of an initial payment in November 15, 1994 of all fees obligated up to a maximum of \$100,000 per facility with a deferral of any further payment until the department staff demonstrates to the Commission that additional fees are needed for FY 96. He added that the final action being requested is that the Commission consider in October, a provision to assure further review of the equity of the allocation of the fees. Mr. Clark stated that in meeting with Allan Stokes in

August, Mr. Stokes indicated he would like to begin discussions with the Commission as early as January 1995 in regard to setting the fees for FY 96, and he (Mr. Clark) would like to participate in those discussions. He reiterated that some of the points he would like to discuss at that time are: 1) the purpose of the permit fee is to fund the reasonable cost of an adequate program; 2) permit fees paid by one source should not be used to subsidize administration of permits held by other sources; and 3) permit fees were not intended to be a tax on emissions.

#### **Appointment - Amy Couch (Title V Operating Permit Program Fees)**

Amy Couch, representing Rural Electric Cooperatives, stated that the department has the ability and authority to charge operating permit fees that are sufficient to cover the reasonable cost of running the program. She emphasized that the limit on the department's authority is for the reasonable cost of running the program. Ms. Couch discussed the staffing for the program noting that only ten additional employees will be hired for FY 95. She related that next year 15 employees will be hired for the program. She stressed that \$6.6 million is not needed to add ten people in November 1994, and since the regulated community has to pay the operating permit fees sufficient to cover the reasonable cost to run the program, they should pay only the sufficient costs. Ms. Couch suggested that if EPA will approve the program for ten employees then the per ton fee could be reduced to less than \$24/ton. She also asked that staff visit with members of the regulated community to work out the reasonable costs to run the program and on what to do in November in terms of collection of fees.

Brief discussion followed regarding budget information.

Mr. Stokes clarified that this issue does not have anything to do with Item # 13 dealing with Voluntary Air Operating Permits, and requested that action be taken on that item prior to continuing with this issue.

*Motion was made by William Ehm to table until next month Final Rule--Chapter 22, Voluntary Air Operating Permits to allow staff to make suggested language amendments. Seconded by Kathryn Murphy. Motion carried unanimously.*

**TABLED UNTIL OCTOBER**

Mr. Stokes stated that the department submitted a budget to EPA stating a need for 88.5 staff, but these employees will be phased in on an as-needed basis. He related that \$6.6 million will be generated at \$24/ton and under any scenario that amount will not be used. He added that there are options to make some modification in the payment schedule for those who would have to pay more than \$100,000 this year and revisit the fees. He noted that another option would be to review the fees that would be applicable in FY 96 in the context that there will be surplus fees which could be rolled forward. Additionally, there is the possibility of using the 4,000/ton per facility cap rather than 4,000/ton per pollutant cap. Mr. Stokes reviewed that he previously presented charts/information on those various scenarios.



Chairperson Siebenmann asked if staff could come back next month with an adjusted budget based on the fact that fewer individuals are being hired, and also show what reasonable costs may be so there is not a big balance that the Commission is not authorized to approve.

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Director Wilson reviewed that at an earlier Commission meeting it was agreed that there was uncertainty on the number of staff the department would be successful in hiring. He explained that each agency has a cap number for employees, and he has to manage seven in the department and balance it overall. He reminded the Commission that the agreement at an earlier meeting was not to make any adjustments until after the first year of the program, then if the charges need to be pared back it would be done after-the-fact because the need is unknown before the fact.

Chairperson Siebenmann commented that she is concerned with the Commission going beyond their authority in terms of approving a budget that has a large reserve.

Mr. Stokes commented that if the department carried a massive amount over year-after-year and continue to charge high fees it could be a statutory problem, but there should not be a legal problem with carrying a balance over at the end of the first year for cash flow purposes. He stated that he can provide a better budget projection in January adding that until he knows the specific costs of ten new staff he cannot provide any better budget figures at this time

Chairperson Siebenmann stated that she would like the a review of the information already given the Commission and discuss it again next month so they can better understand all aspects of this issue.

Discussion followed regarding the hiring/contracting for new employees, annual evaluation of the fees, and the budget.

### **FINAL RULE--CHAPTERS 20, 21, 22, AND 23, AIR QUALITY RULE UPDATES**

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to adopt the attached final rules which amend Chapters 20, 21, 22 and 23 of the air quality rules. A public hearing was held on July 22. A public participation responsiveness summary is attached.

A definition for volatile organic compounds is added to Chapter 20. A new rule clarifies what information may be used as evidence in establishing that a violation has or is occurring. And the permitting requirements for sources impacting nonattainment areas are updated to be consistent with the requirements of the Clean Air Act as amended in 1990.

### **ENVIRONMENTAL PROTECTION COMMISSION [567]**

**Adopted and Filed**

Pursuant to the authority of Iowa Code section 455B.133, the Environmental Protection Commission amends Chapter 20, "Scope of Title - Definitions - Forms - Rules of Practice"; Chapter 21, "Compliance"; Chapter 22, "Controlling Pollution"; and Chapter 23, "Emission Standards for Contaminants," Iowa Administrative Code.

These amendments add a definition to 20.2(455B) for volatile organic compounds (VOCs) by adopting the federal definition by reference. These amendments also propose a new rule, 21.5(455B), which clarifies what information may be used as evidence in establishing that a violation has or is occurring.

These amendments also update the permitting requirements for sources impacting nonattainment areas to be consistent with requirements of the Clean Air Act as amended in 1990.

Notice of Intended Action was published in the Iowa Administrative Bulletin on June 22, 1994, as **ARC 4885A**. A public hearing was held on July 22, 1994.

In response to comments, rule 22.5 was clarified by stating that lowest achievable emission rate is required in nonattainment areas. Minor changes were made to subrules 22.5(2) and 23.1(2).

These amendments are intended to implement Iowa Code section 455B.133.

These amendments will become effective November 16, 1994.

The following amendments are adopted.

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ITEM 1. Amend rule 567--20.2(455B) by adding the following definition in alphabetical order:

"Volatile organic compound" means any compound included in the definition of volatile organic compound found at 40 CFR section 51.100(s) as amended through November 30, 1993.

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ITEM 2. Amend 567--Chapter 21 by adding the following new rule:  
**567--21 .5(455B) Evidence used in establishing that a violation has or is occurring.**  
Notwithstanding any other provisions of these rules, any credible evidence may be used for the purpose of establishing whether a person has violated or is in violation of any provisions herein.

**21 .5(1)** Information from the use of the following methods is presumptively credible evidence of whether a violation has occurred at a source:

- a. A monitoring method approved for the source and incorporated in an operating permit pursuant to 567--Chapter 22;
- b. Compliance test methods specified in 567--Chapter 25; or
- c. Testing or monitoring methods approved for the source in a construction permit issued pursuant to 567--Chapter 22.

**21.5(2)** The following testing, monitoring or information-gathering methods are presumptively credible testing, monitoring, or information-gathering methods:

- a. Any monitoring or testing methods provided in these rules; or
- b. Other testing, monitoring, or information-gathering methods that produce information comparable to that produced by any method in subrule 21.5(1) or this subrule.

ITEM 3. Amend subrule 22.5(1) as follows:

Amend 22.5(1), paragraph "a," as follows:

a. "Major stationary source" means any of the following :

(1) Any stationary source of air contaminants which emits, or has the potential to emit, 100 tons per year or more of any regulated air contaminant, ~~or~~ ;

(2) Any physical change that would occur at a stationary source not qualifying under subparagraph (1) as a major stationary source, if the change would constitute a major stationary source by itself: ;

(3) For ozone nonattainment areas, sources with the potential to emit 100 tpy or more of volatile organic compounds or oxides of nitrogen in areas classified as "marginal" or "moderate," 50 tpy or more in areas classified as "serious," 25 tpy or more in areas classified as "severe" and 10 tpy or more in areas classified as "extreme"; except that the references in this paragraph to 100, 50, 25, and 10 tpy of nitrogen oxides shall not apply with respect to any source for which the administrator has made a finding, under 182(f)(1) or (2) of the Clean Air Act, that requirements under section 182(f) of the Clean Air Act do not apply;

(4) For ozone transport regions established pursuant to section 184 of the Clean Air Act, sources with potential to emit 50 tpy or more of volatile organic compounds;

(5) For carbon monoxide nonattainment areas that both are classified as "serious" and in which there are stationary sources which contribute significantly to carbon monoxide levels, sources with the potential to emit 50 tpy or more of carbon monoxide; or

(6) For particulate matter (PM-10), nonattainment areas classified as "serious," sources with the potential to emit 70 tpy or more of PM-10.

A major stationary source that is major for volatile organic compounds shall be considered major for ozone.

Amend 22.5(1)"f"(2) as follows:

(2) An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs between ~~January 1, 1978~~ the date five years before construction on the particular change commences and the date that the increase from the particular change occurs.

Amend 22.5(1)"m" as follows:

m. "Enforceable permit condition" for the purpose of this rule means any of the following limitations and conditions;— : requirements developed pursuant to new source performance standards, prevention of significant deterioration standards, emission standards for hazardous air pollutants, requirements within the state implementation plan, and any permit requirements established pursuant to this rule, or under conditional, ~~or~~ construction or Title V operating permit rules.

ITEM 4. Amend 22.5(2) as follows:

22.5(2) Emission offset applicability.

a. ~~Primary standard particulate~~ Particulate matter nonattainment areas. If a major source or major modification is proposed to be constructed in an area designated nonattainment for ~~a primary particulate matter standard~~ in 40 CFR 81.316 (as amended through ~~November 6, 1991~~ March 10, 1994), then emission offsets must be achieved prior to startup.

If a major source or major modification is proposed to be constructed in an area designated attainment or unclassified for particulate matter in 40 CFR 81.316, but the modeled (EPA-approved guideline model) worst case ground level particulate concentrations due to the major source or major modification in a designated ~~primary standard~~ particulate matter nonattainment area is equal to or greater than five micrograms per cubic meter (24-hour concentration), or one microgram per cubic meter (annual geometric mean), then emission offsets must be achieved prior to startup.

~~If, after the permit is issued, the area is redesignated in 40 CFR 81.316 as attainment or unclassified and if the applicant can demonstrate that the major source or major modification will not cause a new violation, the director shall relieve the applicant of the obligation of implementing the offsets.~~

~~b. Secondary standard particulate matter nonattainment areas. If a major source or major modification is proposed to be constructed in an area designated non attainment for the secondary particulate matter standard in 40 CFR 81.316 as amended through November 6, 1991, emissions offsets must be achieved prior to startup if the offsets are reasonably available. If a major source is proposed to be constructed in an area designated attainment or unclassified for particulate matter in 40 CFR 81.316, but the modeled (EPA approved guideline model) worst case ground level particulate matter concentrations due to the major source or major modification in a designated secondary standard particulate matter nonattainment area is equal to or greater than five micrograms per cubic meter (24 hour concentration), emission offsets must be achieved prior to startup if the offsets are reasonably available.~~

~~If offsets are determined to be reasonably available, and if after the permit is issued, the area is redesignated in 40 CFR 81.316 as attainment or unclassified and if the applicant can demonstrate that the major source or major modification will not cause a new violation, the director shall relieve the applicant of the obligation of implementing the offsets.~~

b. Sulfur dioxide nonattainment areas. If a major source or major modification is proposed to be constructed in an area designated nonattainment for sulfur dioxide in 40 CFR 81.316 (as amended through March 10, 1994), then emission offsets must be achieved prior to startup.

If a major source or major modification is proposed to be constructed in an area designated attainment or unclassified for sulfur dioxide in 40 CFR 81.316, but the modeled (EPA-approved guideline model) worst case ground level sulfur dioxide concentrations due to the major source or major modification in a designated sulfur dioxide nonattainment area is equal to or greater than 25 micrograms per cubic meter (three-hour concentration), five micrograms per cubic meter (24-hour concentration), or one microgram per cubic meter (annual geometric mean), then emission offsets must be achieved prior to startup.

~~e. Offsets are reasonably available if the owner or operator can reasonably achieve any of the reductions listed in 22.5(4), paragraphs "c" to "i" at the owner or operator's own major source.~~

dc. Emission offsets are required for carbon monoxide (CO) in carbon monoxide nonattainment areas.

ed. Emission offsets for any regulated air contaminant in the designated nonattainment area shall provide for reasonable further progress toward attainment of the applicable national ambient air quality standards and provide a positive net air quality benefit in the affected area.

fe. At such time that a particular source or modification becomes a major stationary source or major modification solely by virtue of a relaxation in any enforceable limitation which was established after August 7, 1980, on the capacity of the source or modification otherwise to emit a pollutant, such as a restriction on hours of operation, then the requirements of this rule shall apply to the source of modification as though construction had not yet commenced on the source or modification.

ITEM 5. Amend 22.5(3) as follows:

22.5(3) Emission offsets. Proposals for emission offsets ~~or a demonstration that offsets are not reasonably available~~ shall be submitted with the application for a permit for the major source or major modification. All approved emission offsets shall be made a part of the permit and shall be deemed a condition of expected performance of the major source or major modification.

ITEM 6. Amend 22.5(4)"b" as follows:

b. Offset ratio. The ratio of emission offsets to the new emissions of a major source or major modification that affects a ~~primary standard~~ nonattainment area is at least ~~greater than 1.25:1~~ 1:1; that is for every ton of new particulate emissions, there shall be more than one at least ~~1.25 tons~~ ton of particulate emission offsets. ~~For a major source or major modification that affects an area other than a primary particulate standard nonattainment area, the ratio must be greater than 1:1.~~

ITEM 7. Amend 22.5 by adding a new subrule 22.5(6) as follows:

22.5(6) A new or modified major source in a nonattainment area shall comply with the lowest achievable emission rate.

ITEM 8. Amend 22.5(7) as follows:

22.5(7) Compliance of existing sources. If a new major source or major modification is subject to ~~subrule 22.5(6)~~ rule 22.5 (455B), then all major sources owned or operated by the applicant (or by any entity controlling, controlled by, or under common control by the applicant) in Iowa shall be either in compliance with applicable emission standards or under a compliance schedule approved by the commission.

ITEM 9. Amend 22.105(2)"i" by adding a new subparagraph as follows:

(5) Notwithstanding any other provisions of these rules, for the purposes of submission of compliance certifications, an owner or operator is not prohibited from using monitoring as required by subrules 22.108(3), 22.108(4) or 22.108(5) and incorporated into a Title V operating permit in addition to any specified compliance methods.

ITEM 10. Amend 23.1(2), introductory paragraph, as follows:

23.1(2) New source performance standards. The federal standards of performance for new stationary sources, as defined in 40 Code of Federal Regulations Part 60 as amended or corrected through ~~August 31, 1993,~~ April 22, 1994, are adopted by reference, except 60.530 through 60.539b, and shall apply to the following affected facilities. The corresponding 40 CFR Part 60 subpart designation is in parentheses. Reference test methods (Appendix A),

performance specifications (Appendix B), determination of emission rate change (Appendix C), quality assurance procedures (Appendix F) and the general provisions (Subpart A) of 40 CFR Part 60 also apply to the affected facilities.

Further amend 23.1(2) by adding the following new paragraph:

qqq. VOC emissions from synthetic organic chemical manufacturing industry reactor processes. Unless exempted, each affected facility that is part of a process unit that produces any of the chemicals listed in 40 CFR 60.707 as a product, co-product, by-product, or intermediate for which construction, modification, or reconstruction commenced after June 29, 1990. Affected facility is each reactor process not discharging its vent stream into a recovery system, each combination of a reactor process and the recovery system into which its vent stream is discharged, or each combination of two or more reactor processes and the common recovery system into which their vent streams are discharged. (Subpart RRR)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Larry J. Wilson, Director

(A copy of the Responsiveness Summary is on file in the department's Records Center)

Mr. Stokes reviewed the rules noting that they are needed to keep the state consistent with federal regulations.

*Motion was made by William Ehm to approve Final Rule--Chapter 20, 21, 22, and 23, Air Quality Rule Updates. Seconded by Kathryn Murphy. Motion carried unanimously.*

**APPROVED AS PRESENTED**

In response to a request by Commissioner King, Mr. Stokes distributed copies of Laboratories Certified in Iowa for Testing Drinking Water for Public Water Supplies. Also distributed was a list of laboratories providing lab analysis for USTs.

## GENERAL DISCUSSION

### **Proposed Nonpoint Source Pollution Task Force Report**

William Ehm updated the Commission on the proposed task force to deal with nonpoint source pollution. He related that along with the major agricultural commodities groups the following are interested or being contacted about participating: SCS, EPA, DNR, Ikes, Sierra Club, INHF, DU, and some congressional staff. He added that they hope to have an agenda set up by the end of the year.

### **CHEEC Meeting Report**

~~Chairperson Siebenmann reported on a recent CHEEC meeting she attended noting details of their budget. She added that they are asking for nominations for a permanent committee chair for communications/training programs. CHEEC is hosting two conferences regarding safe drinking water which Chairperson Siebenmann will attend.~~

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### **Mississippi River Parkway Commission Report**

Charlotte Mohr reported on a meeting of the Mississippi River Parkway Commission held last Friday noting that Judge Greg Prewitt, Tennessee, spoke about the national involvement with the Mississippi River parkway corridor. Commissioner Mohr distributed copies of a Farm Journal article dealing with property rights.

### **Goose Problem - North Iowa**

Charlotte Mohr asked about the goose damage problem in Northern Iowa.

Director Wilson explained that the department has been establishing a goose flock in that area of the state over the past several years. He related that this year the department was not notified that there were problems until it was somewhat out of control. He added that the department may have to shorten that area and be more liberal in hunting and taking the population down a little. Presently, staff go out and fence and disturb the geese to keep them off the field and back on the marsh.

### **ADDRESS ITEMS FOR NEXT MEETING**

Section 319 Progress Report  
UST Insurance Board Pay Out for Site Cleanup  
Enforcement Action Statistics  
Review of Title V Operating Permit Program Fees

### **NEXT MEETING DATES**

October 17, 1994

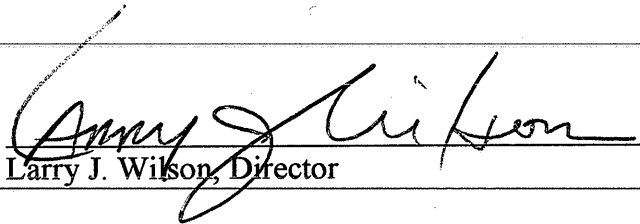
November 21, 1994

December 19, 1994

### **ADJOURNMENT**

With no further business to come before the Environmental Protection Commission, Chairperson Siebenmann adjourned the meeting at 3:15 p.m., Monday, September 19, 1994.

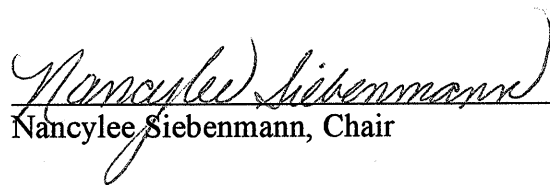
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Larry J. Wilson, Director

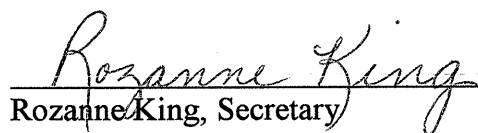
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Nancy Lee Siebenmann, Chair

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Rozanne King, Secretary

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